ATTACHMENT A

Deposition of William Wolfe

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * * * * *

LISA LAMBERT, *

Plaintiff *

* NO. C.A. 96-247 ERIE

vs *

*

SUPERINTENDENT *

WILLIAM WOLFE, ET AL., *

Defendants *

*

* * * * * * * * *

DEPOSITION OF

WILLIAM WOLFE

JUNE 2, 1997

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DEPOSITION

OF

WILLIAM WOLFE, taken on behalf of the Plaintiff herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Jacqueline Lynn Reichert, a Court Reporter and Commissioner of Deeds in and for the Commonwealth of Pennsylvania, at State Correction Institute, Old Lyons College, Cambridge Springs, Pennsylvania, on Monday, June 2, 1997 at 9:38 A.M.

A P P E A R A N C E S

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I N D E X

WITNESS: WILLIAM WOLFE

EXAMINATION

By Attorney Krakoff 7 - 232

CERTIFICATE 233

E X H I B I T P A G E

NUMBER	IDENTIFICATION	PAGE IDENTIFIED
	NONE OFFERED	

OBJECTION PAGE

ATTORNEY	PAGE
Halloran	23
Halloran	30
Halloran	37
Halloran	51
Halloran	72
Halloran	72
Halloran	101
Halloran	104
Halloran	118
Halloran	119
Halloran	122
Halloran	133
Halloran	139
Halloran	146
Halloran	151
Halloran	155
Halloran	156
Halloran	200
Halloran	230
Halloran	231

PROCEEDINGS

WILLIAM WOLFE, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY ATTORNEY KRAKOFF:

Q. Superintendent Wolfe, I'm Jere Krakoff. I represent Lisa Lambert, Plaintiff in this lawsuit. This is a civil rights action that has been filed in the U.S. District Court, the Western District of Pennsylvania. It makes allegations that Ms. Lambert has been subjected to sexual abuses and that her civil rights have been violated. You're here today for a deposition and I assume as a prison official, that you're fairly well acquainted with what a deposition is, knowing the proclivities of inmates.

A. Yes, sir.

Q. And I want to make one clarification. Your name was inadvertently misspelled in the Complaint, which I have since discovered. My understanding is that your name is spelled W-O-L-F-E?

A. That's correct.

Q. And I will at some point amend that. I believe the other Superintendent's name was also misspelled in the first letter, was a D, I think, and it should have been a K. In any event, my purpose here today is to engage in pre-trial discovery. I'm going to be asking you about a number of different things, not only associated with Lisa Lambert, specifically, but with certain policies and procedures, investigations involving various officers associated with other inmates.

And at the outset I'm going to try to determine how the process of answering Plaintiff's Request for Production of Documents functioned, and to see whether possibly there is some other documents out there that have been overlooked. I don't mean purposely, I mean inadvertently overlooked, so that we can obtain those documents, if they exist.

If you don't understand a question that I put to you, I don't want you to hesitate asking me to rephrase it or to ask it again, to repeat it. My purpose here, today, is to attempt to ask clear questions, to elicit clear

responses. I'm not here to try to create ambiguities. I think that to the extent that we can have clarity here will be to everybody's advantage. Now, what is you full name, Superintendent Wolfe?

A. William J. Wolfe, Jr.

ATTORNEY HALLORAN:

Mr. Krakoff, sorry. For the purposes of this deposition and the others that we're taken today and tomorrow, it is also my understanding that none of the inquiries and none of the requests have --- involve information related to the Vasquez (phonetic) litigation, which is a separate lawsuit which is under a separate Order.

ATTORNEY KRAKOFF:

Yes, it's my understanding that none of the investigative materials or other materials associated with Vasquez would have been turned over because of the fact that ---. I don't think we're even operating under any Order, because I haven't seen a signed copy of it. But at least, as Mr. Halloran and I have informally understood the case to be, I'm not going to be insisting upon responses in Vasquez, if I'm pronouncing your name correctly, so that I understand that Vasquez materials will not be present here today. Is there something else, Mr. Halloran?

ATTORNEY HALLORAN:
No, that's all.

BY ATTORNEY KRAKOFF:

Q. **How old are you, Superintendent Wolfe?**
A. Forty-seven (47) years old.
Q. **And when did you become Superintendent at Cambridge Springs?**
A. January the 1st, let me see here, January the 1st, 1992.
Q. **And when did Cambridge Springs open for inmates?**
A. I'm sorry, that was '91.
Q. **Okay. I take it you were here at the inception when the four inmates ---**
A. That's correct.
Q. **--- actually occupied the facility.**

A. That's correct.
Q. **And when did inmates begin to be placed in Cambridge Springs?**
A. The first inmates arrived March 30th, 1992.
Q. **I take it that there would have been some sort of a staging process where some inmates were brought it, then there would be a second wave, and perhaps a third wave. But they all didn't come here at the same time?**
A. That's correct.
Q. **And do you recall approximately how many came in the first wave? Just an approximation.**
A. My recollection, approximately 20.
Q. **And why don't you describe then, the progressive waves, if you can, I'm trying to get a sense of how the population built up and when it became substantially populated by prisoners, at what point. So when was the next wave?**
A. We received transfers routinely on a weekly basis, thereafter.
Q. **And by September, do you have sense of how many inmates there would have been in September of '92?**

A. Not exactly, no.
Q. **What did the population increase by the end of 1992, was it fully populated?**
A. Oh, no.
Q. **What would it have been at the end of 1992, approximately?**
A. A rough estimate would be approximately, I say 250 --- 200, 250.
Q. **And then at what point did the population more or less reach the zenith? When was it --- is this place fully populated as we speak?**
A. We're not at full capacity. We've only been at full capacity on one or two occasions during the past year.
Q. **How many inmates are there --- what is the average daily population in 1997?**
A. I would say about 580.
Q. **By the beginning of --- actually, perhaps the best way for me to see the population would be to just get --- there would have been daily counts ---**
A. Well, that's correct.
Q. **--- of the population all along; correct?**

A. Oh, absolutely.
Q. **So, perhaps that would be the best way rather than trying to go from your recollection. I can request that formally, if you want me to. Otherwise, I can just have something, say every three months, from March 30, 1992, through 1994, would be fine. Would that be possible?**

ATTORNEY HALLORAN:
I believe so.

A. Yes.

ATTORNEY HALLORAN:
So it'd be one day, once every three months?

ATTORNEY KRAKOFF:
Yeah, say from March, and then count three months from March 30th, June 30th, whatever. Just so I can get a sense of how the population built up.

MS. KORMANIC:
March, '92, through what?

A. The end of '94.

ATTORNEY KRAKOFF:
The end of 1994.

BY ATTORNEY KRAKOFF:

Q. **Now, before you became Superintendent**

at Cambridge Springs, had you been employed in the Pennsylvania system?
A. Yes.
Q. What was your position immediately before you became Superintendent?
A. I was the Superintendent of the State Correctional Institution in Waynesburg.
Q. Now, had Waynesburg had women at that time? I know at one time it had.
A. Yes, sir.
Q. Was it essentially an all womens' prison?
A. Yes, it was.
Q. And when were you in Waynesburg, from when until when?
A. From December 1st of '89 until I was transferred here. About 13 months and 4 days.
Q. What was the general population at Waynesburg, the inmate population, what was that, approximately how many?
A. Composition or numbers?
Q. Numbers.
A. Numbers, approximately 300.
Q. And some of those, as I understand it, there were some men who worked, who actually

lived on the prison grounds, who were trustees or inmate workers; is that correct?
A. No, that's not correct.
Q. So then the numbers would have been the number of women?
A. Correct. It was exclusively female.
Q. All right. And before Waynesburg, had you worked in the Pennsylvania system?
A. Eighteen and a half years.
Q. What was that progression, how did you start?
A. I started in 1971, as a corrections counselor.
Q. And then you proceeded from where to where?
A. Well, that was at the State Correctional Institution at Greensburg. I was promoted through the ranks as counselor supervisor and deputy superintendent at that institution.
Q. And then from Greensburg to Waynesburg?
A. Correct.
Q. Have you received any training, specifically focused on the operation of a womens' prison, either when you assumed the

position at Waynesburg, or when you assumed the position in Cambridge Springs? Have you received any training that was specifically focused on the administration of a womens' prison?
A. I had discussions with the Commissioner of Corrections at that time.
Q. To what time?
A. Prior to, you know, going to Waynesburg and immediately prior to coming up here, we talked about ---.
Q. Who was the Commissioner at the time of your discussion with the Commissioner at Waynesburg?
A. Owens.(phonetic) We had discussions about the differences between the two populations.
Q. All right. And was this one discussion or you spent a period of time, over some period of time, having discussions with him?
A. There were discussions on a fair --- you know, at different times. It wasn't ---
Q. All at one time?
A. Yeah, at one time. I have continuous contact with my superiors in Harrisburg.

Q. Did any of your discussions focus on issues involving the sexual exploitation of women prisoners by staff? Did any of your discussions address that issue, with others?
A. Not specifically.
Q. Not specifically?
A. Correct.
Q. What about generally?
A. In general, it's very plain. Every administration that I have worked with certainly has zero tolerance for any abuse of any prisoner.
Q. Right. But my question is, and I used the term, exploitation. Perhaps I shouldn't use that. Was the subject of relationships or involvement in a social or sexual nature between an inmate and a staff member ever addressed in your discussions with Commissioner Owens?
A. Not specifically, no.
Q. So, when you say generally, there was a general discussion that there was zero tolerance, that there would be zero tolerance toward the exploitation or the abuse of inmates by staff members, period; is that correct?
A. That's correct. I wouldn't stand for

anything less.

Q. **Now, you then had discussions, prior to assuming your position at Cambridge Springs, with the Commissioner; is that correct?**

A. That's correct, as well as, the Deputy Commissioner, my immediate boss.

Q. **Fulcomer? (phonetic)**

A. Yes, sir.

Q. **And who was the --- was Lehman (phonetic) the Commissioner at the time?**

A. That's correct.

Q. **And did any of those discussions focus on the issue of the abuse or exploitation or harassment by officers of female prisoners?**

A. Not specifically.

Q. **And by officers, I mean male officers, of women prisoners.**

A. Not specifically, no.

Q. **Once again, by not specifically, you mean there was some general discussion about some of that?**

A. Yes, sir.

Q. **And what was that general discussion about?**

A. Again, ---

Q. **The nature of it.**

A. --- there is no tolerance for the abuse of any inmate within our system with whom we have responsibility for the care, custody and control.

Q. **Does the Department of Corrections and you, specifically, view a sexual relationship between an inmate here at Cambridge Springs, and an officer or other prisoner personnel, per se, exploitative because of the relationship between the two? That is, you have an inmate on one hand and you have a custodian on the other. Would such a relationship, even if it appears to be quote, consensual, be viewed as exploitative by the department and by you, specifically.**

A. Yes, sir, I would. It's reprehensible.

Q. **Now, Cambridge Springs houses only women prisoners; is that correct?**

A. Correct.

Q. **By 1994, there would have been several hundred prisoners housed at Cambridge Springs?**

A. Yes.

Q. **Now, in 1993 and in 1994, there were both women and men who were employed as corrections officers; is that correct?**

A. That's correct.

Q. **And during that time period, there were both women and men employed as supervisors in the maintenance area; is that correct?**

A. That's correct.

Q. **Is there a general term that is used at Cambridge Springs to distinguish corrections personnel from those who are involved in, you know, whether it's prison industries or maintenance, or whatever. Is there a term that is used to designate the non-correction personnel, non-clerical personnel, as well?**

A. Oh, everybody in the Department of Corrections has a job classification.

Q. **If I refer to them as maintenance personnel, is that a correct --- would that be a correct term?**

A. That would be --- well, corrections officer is a very specific class and there is corrections officers and non-correctional officers.

Q. **There is another group called maintenance personnel?**

A. That's correct, and to answer your question, that would be satisfactory, yes. We

would know what you're speaking about.

Q. **And there were both men and women who were employed by the Department of Corrections at Cambridge Springs as maintenance personnel?**

A. Yes, sir.

Q. **How many officers were employed at the prison in 1993?**

A. I really don't know.

Q. **Would there be a document that would reflect that?**

A. Yes, there would.

Q. **And what would that document be? A roster of some sort?**

A. Well, there are records of staff complements in our personnel office, as well as, rosters.

ATTORNEY HALLORAN:

Would you like the corrections officers complement for 1993 and for 1994?

ATTORNEY KRAKOFF:

And 1994, right.

ATTORNEY HALLORAN:

And also a breakdown of male and female?

ATTORNEY KRAKOFF:
That's what I was going to ask for. Thank you. That was to be my next question, the breakdown.
BY ATTORNEY KRAKOFF:
Q. Do you have a sense, and this isn't something where I'm going to say you weren't being truthful. I'm just asking you --- I realize it's just an estimate. Do you have a sense of how the men versus women broke down in 1993, whether, you know, one was --- there was an overwhelming majority of one, very few of the other, or whether they were essentially equal, in terms of numbers?
A. At that particular time, I don't have a recollection.
Q. What about 1994? Do you have a recollection of what the gender composition of breakdown of the CO staff was?
A. Not exactly. All I could do is speculate.
Q. Okay. Were there more men than women employed as corrections officers? Is it your sense that there were more men than women in 1993, or you don't know?

A. I honestly don't know, other than to speculate, but I'm not sure it serves any purpose for me to sit here and speculate.
Q. And the same is true for 1994; is that correct?
A. Yes, sir.
Q. Would it be fair to say that during 1993, as well as, during 1994, there was a significant number of men who were employed as correctional officers at the prison?
A. That's true.
Q. And would it also be accurate to say that there were a significant number of men who were employed in the maintenance area, as well?
A. That's true.
ATTORNEY HALLORAN:
I'll object to the form of the question to the extent of any ---?
ATTORNEY KRAKOFF:
Any significance?
ATTORNEY HALLORAN:
Significant numbers.
BY ATTORNEY KRAKOFF:
Q. More than a handful?
A. Yes, sir.

Q. There were several dozen men correction officers in 1993 and 1994?
A. I really --- I really don't know, specifically.
Q. How many officers do you have now?
A. Approximately 150.
Q. And of the 150, approximately, how many are men and how many are women?
A. I've never looked at that.
Q. Do you know whether there are more men than women officers, or is it the other way, or don't you know?
A. I don't know.
Q. Now, is it accurate to say that male officers, throughout the time that Cambridge Springs has been open, have been employed in positions that routinely brought them into direct supervisory contact with women prisoners; is that accurate?
A. Could you state that again, the first part of it?
Q. Since Cambridge Springs was opened, and by that I mean since women have been or occupying Cambridge Springs, isn't it true that male officers have been employed in positions

that routinely brought them into direct supervisory contact with women prisoners, and by supervisory I mean, their work. They were supervising women, they were monitoring their activities, et cetera, what officers do. Would it be accurate to say that men officers functioned in direct supervisory contact with women prisoners?
A. Yes, that's the job of a corrections officer.
Q. And were there any positions, were there any assignments that a male correctional officer could not assume at Cambridge Springs because of his gender?
A. Yes, there were.
Q. And what were those assignments?
A. Single post housing units.
Q. What is a single post housing unit?
A. That's a post, obviously, in an inmate housing unit, where the inmates live, where the staff complement there for corrections officers would be one officer. It's department policy.
Q. So, if there's one officer assigned to a housing unit post, that officer would have to be a woman?

Page 26

A. Has to be the same gender.
Q. And when I said a woman, I'm focusing on Cambridge Springs.
A. Correct.
Q. It would have to be a woman?
A. The answer would be the same, same terms.
Q. And are some of housing posts posts where there are two officers assigned; some of the housing posts at Cambridge Springs or are they all one officer?
A. At that time, I believe they were all one officer. They were single posts.
Q. Are there now two posts officer positions?
A. Yes, there are.
Q. And when did that come about?
A. I don't remember.
Q. I'm perfectly comfortahle if you wanted to consult with ---
A. I looked at them because they're my advisors.
Q. They might have more direct contact. I realize that you might not know everything.
A. I remember when I was informed of the

Page 27

decision. I don't remember the exact time of it. It was a couple of years ago.
MS. KORMANIC:
I know the day it happened. I don't remember the ---.
A. Yeah, I can remember when I was informed.
BY ATTORNEY KRAKOFF:
Q. Would there be a document that would reflect that?
A. Oh, we could --- I could obtain that date for you.
Q. Perhaps when we have a lunch break, that would might be a good opportunity to retrieve that. There was some sort of an Order or a directive issued that altered, that created two double post positions?
A. I was instructed what to do. I'm not so sure I have anything in writing.
Q. Now, knowing then, that there's some document that you can look at to determine when that change came about, whether it was 1994, right?
A. I'm almost certain we should be able to establish that date.

Page 28

Q. And were there any other positions at Cambridge Springs that a male officer was not permitted, as a matter of policy, to assume because of the fact that he was the male?
A. Yes.
Q. And what other positions?
A. Our strip search officer, that's a single post. Our transport officer, again, by department policy, one officer must be of the same gender.
Q. Anything else? There would be more than one officer involved in transporting an inmate?
A. On most occasions, yes.
Q. And by that you mean transporting off grounds?
A. Correct.
Q. Any other activities that a male officer was not allowed to perform at Cambridge Springs because, any other things because of the fact that he was a male as opposed to a female?
A. Our Sally Board (phonetic) officer, because that officer is required to do strip searches of inmates going in and out of our perimeter.

Page 29

Q. Those would be what, trustee, or any inmate going out of the ---?
A. More commonly, yeah, more commonly known to the public as the term trustee. That's not a term the departments uses, but it's a term that the general public uses.
Q. One who had some sort of an outside clearance, whatever that ---?
A. Right.
Q. S, something or other.
A. Right.
Q. Any other positions that you --- that come to mind?
A. Off the top my head, no, I can't think of any. I believe that's it.
Q. Now, male officers, where they allowed to escort a Cambridge Spring prisoner across the grounds of the institution?
A. Yes.
Q. And that was without the presence of a female officer?
A. Right.
Q. What other kinds of activities where male officers allowed to be alone with, either one or more Cambridge Spring inmates? When they

escorted an inmate, could it be one to one, or did it have to be more than one inmate?

ATTORNEY HALLORAN:
I'm going to object to the form of the question to the extent it ---

ATTORNEY KRAKOFF:
It sounds like two questions.

ATTORNEY HALLORAN:
Well, it also sounds, what alone means is ---

ATTORNEY KRAKOFF:
Well, by himself.

BY ATTORNEY KRAKOFF:

Q. Let me ask it this way. By alone, as a matter of policy, could a single male officer escort a single Cambridge Springs inmate from one place to another on institutional grounds?

A. Yes.

Q. Were there any places that a male officer was not allowed to be by himself with a single woman prisoner at Cambridge Springs? Other than, I know strip search, they can't be alone with them then, other than the ones that you identified?

A. I would not even --- unless there was an emergency situation, male officers would not be often during strip searches.

Q. I understand that. I'm excluding the various things that you --- I know that a male officer is not going to be by himself in the Sally Board with an inmate. And that a male officer is not going to be in a housing unit where it's a single post. That's been established. What I'm trying to establish is are there any places there were out of bounds, any places that a single male officer under, either DOC or Cambridge Springs policy, was not allowed to be alone with a single woman inmate at Cambridge Springs?

ATTORNEY HALLORAN:
I'm going to have to --- just let me put on the record. There's a distinction between an officer walking alone across the ground with a female inmate.

ATTORNEY KRAKOFF:
He already said that can occur.

ATTORNEY HALLORAN:

Right, I agree. And the question you're asking is confusing because ---

A. That's what I'm having problems with.

BY ATTORNEY KRAKOFF:

Q. Let me break it down. There are several buildings on the grounds of Cambridge Springs; correct?

A. Yes, sir.

Q. Some of the buildings are housing units; correct?

A. Correct.

Q. And some of the buildings are recreational facilities, like a gymnasium?

A. Correct.

Q. And there is a hospital facility here; correct? Or an infirmary?

A. Correct.

Q. And there are buildings that house the dining hall; correct?

A. Correct.

Q. And various other places; correct?

A. Correct.

Q. Are there any buildings where a single male officer is not allowed to be with a single

Cambridge Springs inmate, under the policy of this prison or the DOC?

A. The inmates go from Point A to Point B in general population, unescorted. They go under their own --- during move times.

Q. I'm not limiting this to escorting. Are there any places where you, Superintendent Wolfe, or Deputy Kormanic, or some other administrative official, either here at Cambridge Springs or at the DOC central office when it was said, an officer, a male officer is not allowed to be alone with a female in this building or this part of this building, or that building, that's what I'm trying to determine?

A. Again, I don't understand --- alone.

ATTORNEY HALLORAN:
Why don't you give him your response and explain how you're answering it.

A. A male officer may escort a female across the compound to any non-restricted area of the institution.

Q. Well, what does that mean?

A. That means, if a part of the institution is closed, we still have a vacant

Page 34

building here, not to be taking inmates over to that building, there's no purpose to it. And at that time, if part of the institution is open, if the activity is open, yeah, they can.
Q. So basically, if there's a facility that essentially is not open for prison activities, a male officer can't take an inmate there because there's no reason.
A. A male or female, they shouldn't be doing it.
Q. Right. There's no reason for anybody to be going into a restricted facility?
A. That's correct, sir, male or female.
Q. What facilities were restricted during 1993 and 1994?
A. They changed as the institution as activated.
Q. Was Lutter (phonetic) a restricted facility, or parts of Lutter?
A. Parts of Lutter were, yes, sir.
Q. And that would have been the third and fourth floors, at one point?
A. At one point, Lutter was totally unoccupied, it wasn't, you know, this wasn't the first building we occupied.

Page 35

Q. But basically, any place that a female officer could enter and be with a female inmate, one to one, a male officer could enter and be with a female inmate, one to one; is that correct?
A. That's correct.
Q. Now, what about --- sorry.
A. Although certain human dignity and my standard of privacy ---. For cxample, if there was a bathroom, male or female can certainly go in the bathrooms. And we have stalls here in our housing that are communal areas.
Q. Right.
A. Certainly if there was a woman in there, the males can go and look in the bathrooms but I wouldn't expect them to open up a stall when the inmate acknowledges that they're using that facility at the moment. That would be inappropriate.
Q. Now, what about the maintenance area? Can you identify for me the various maintenance facilities that exist at Cambridge Springs?
A. What do you mean by maintenance facilities?
Q. Well, there are maintenance workers;

Page 36

correct?
A. Yes.
Q. And I take it that there are certain places that the maintenance workers work out of, where they're ---.
A. Shops, shops.
Q. Things of that nature.
A. Maintenance shops, okay.
Q. Because I do not have good sense of what those areas consist of, so can you kind of list for me the various shops and any other maintenance areas that exist at Cambridge Springs?
A. The majority of our maintenance shops are located on the first floor of Currie Hall.
Q. Is that C-U- ---?
A. R-R-I-E. Currie.
Q. And what do those shops consist of?
A. Well, there's carpentry, plumbing, electrical, and HAC.
Q. That's what --- air conditioning?
A. Heating and air conditioning.
Q. Is Currie Hall used for anything else?
A. Yes.
Q. Is it a housing area?

Page 37

A. No.
Q. What else is it used for?
A. It houses our educational programs and vocational programs.
Q. All right.
A. And activities area.
Q. What kinds of activities?
A. Arts and crafts room, there's a music room, and there's an area that we use for aerobics and some weight machines.
Q. And what floor are those on? I don't mean for each one, but generally, are they above the shops?
A. The shops are in the middle. There's a second floor area that houses primarily our school, our education classrooms, and a couple of vocational programs up there.
Q. Was any part of --- was this true, also, in 1994, did Currie exist, more or less, in that fashion?
A. More or less.
Q. Were there any parts of Currie that were off limits to officers and inmates?
ATTORNEY HALLORAN:
I'm going to object to the

form of the question.

ATTORNEY KRAKOFF:

What was the word we used, again?

ATTORNEY HALLORAN:

Off limits is all right. But we need a time frame.

ATTORNEY KRAKOFF:

Oh, okay.

ATTORNEY HALLORAN:

In terms of when they ---.

BY ATTORNEY KRAKOFF:

Q. In 1994, were there any ---

ATTORNEY HALLORAN:

Also in the course of the day.

A. That's what I have problems with, yeah.

BY ATTORNEY KRAKOFF:

Q. During what time of the day was Currie Hall open for shops --- for shop activities?

A. 8 to 4, Monday through Friday. The maintenance shops.

Q. This wasn't off limits then, when it was open?

A. No, sir.

Q. And when were the educational and

vocational programs?

A. 8 to 4, Monday through Friday.

Q. And arts and crafts, same?

A. No. Arts and crafts are, I don't know the exact schedule, but I believe it was in the evenings during the week.

Q. So when these functions weren't occurring, they'd be off limits to officers and inmates; correct?

A. Certainly, yes.

Q. When I say that, I mean jointly.

A. That's correct, because an officer might go in there and patrol or have need to search a room, but they wouldn't have inmates with them.

Q. Right.

A. Right.

Q. Now, physically, was there any part of Currie Hall that was off limits, any basements, any other parts of Currie Hall that was off limits to an officer and an inmate being there at the same time?

A. Again, it would depend upon whether the room was open and there activity, there was a scheduled activity going on. The building had

various activities going on at various times.

Q. Even in the basement?

A. Yes, sir. Not all the rooms were where the officers would escort inmates to, for any legitimate purpose that I know of. The boiler room, there's storerooms.

Q. Were there any orders issued that they shouldn't, couldn't be in a storeroom with an inmate?

A. Not specifically, you know.

Q. What about the boiler room first?

A. Yes.

Q. Okay, then I should have storage room.

ATTORNEY HALLORAN:

You asked about storage room first and then the boiler rooms.

BY ATTORNEY KRAKOFF:

Q. The boiler room, was that off limits for an officer and inmate to be there together?

A. There would be no legitimate purpose for them to be there. That's our policy. I didn't name each room in each specific circumstance. We are authorized to operate within the scope of our, you know, job responsibilities, for legitimate purposes.

There would be no legitimate purpose for somebody to escort somebody to a closed section.

Q. Was there a written policy that articulated that, that you may only be with an inmate if you're there for some legitimate purpose or some legitimate activity?

A. I don't think there's a written policy, per se. It's part of the training.

Q. Where did they receive that training, at Camp Hill?

A. A host of places.

Q. Here?

A. Camp Hill, at our training academy.

Q. Here?

A. Here, at the institution.

Q. And that's part of the training here?

A. Yes, sir.

Q. And who's the training officer who would impart that information?

A. Paul Slighton (phonetic) is our training officer. We also have a training lieutenant.

Q. What is his name?

A. Her name is Vickie Scott (phonetic). Prior to that our training officer was Sue

Rutherford.
Q. How long has Vickie Scott been the training lieutenant?
A. I don't remember the exact date.
Q. Couple years?
A. Two years, yes, sir. Sue Rutherford was our initial training lieutenant.
Q. This would be a good opportunity --- okay, let's continue along this line. Then I'm going to take you through Request for Production of Documents, which requests written training materials that were used during the period of time since 1992. And I'll represent to you that I didn't see anything in writing from Cambridge Springs or elsewhere that articulated the principle that an officer and an inmate could only be together if there's some activity going on or some legitimate purpose for being there. Or, anything in writing related to places that an officer and an inmate could not be, or places that were off limits, and I'll go through those later with you.
In any event, male officers were employed, or have been employed since 1992 on all three work shifts at Cambridge Springs?

A. That's correct.
Q. Let me list for you some places that would appear to be, or some context, that would appear to be situations where male officers would come into direct contact with Cambridge Springs inmates. And then I would like to ask you whether you agree and if you can think of other contexts. They come into contact with Cambridge Springs inmates in housing units; is that correct?
A. Yes.
Q. And what would a male officer's role be in a housing unit, if any, assuming that it's a single post housing unit? Would they have any reason for being in a housing unit, such as, making rounds or doing other things?
A. Making rounds and inspections. That's just what I was going to say.
Q. And the inspections would consist generally --- I'm sensitive to your security needs. I'm not here to try to elicit from you anything that's going to compromise security, but in a very general way, what do you mean by inspections? What are they --- are these contraband inspections, or inspections to see

whether the place is clean, or what?
A. All the above. Also we had officers in there, we had training sergeants, and training sergeants would go in and provide instruction.
Q. To new officers?
A. To new officers, yes, sir.
Q. And what about on work sites? Would CO's have any job responsibilities or functions in connection with inmates who were engaged in working activities?
A. Yes.
Q. And what would those responsibilities be, monitoring inmates while they work, or ---?
A. Opening supply, cleaning supply closets, and supervising the work, janitorial work, primarily.
Q. Would the maintenance supervisors be the personnel who actually provide the monitoring of inmates on maintenance work sites?
A. That's correct.
Q. Now, you said janitorial. So, if somebody was working for a plumber, for example, it would be the maintenance supervisor who would monitor that inmate rather than a CO?
A. That's correct. It was a maintenance

--- assigned maintenance project.
Q. And what about meals? What about the context of meals. What contact would routinely be expected to occur? I'm talking about supervisory contact between an officer and inmates during meals?
A. The officers are responsible for providing supervision of the inmate dining room and controlling inmate movement to and from the dining hall during inmate meal periods.
Q. Now, the inmate meal workers, they would be supervised by ---
A. Dietaries.
Q. --- civilian dietary personnel?
A. Dietary staff.
Q. And then escorts, CO's would have kind of ongoing escort activities for some purposes? They would escort inmates for some purposes? I understood you to say that inmates pretty much can go unescorted from one place to another on the grounds.
A. That's true. It's very rare that a CO or any other staff member would direct ---- or corrections officer would directly escort them from Point A to Point B. That's why I was

Page 46

having trouble with your question. It would be very rare. There would have to be some highly unusual circumstance in which that inmate was required to be under direct officer escort.
Q. **Like an RHU inmate, or ---**
A. Yes, sir. Like a RHU. That's why I'm talk --- you know, we do not provide direct escort of inmates unless there's some highly specialized reason for it. That's why I was having a lot of difficulty answering your questions relating to that.
Q. **I understand that. That's been clarified, thank you. Recreation, in that context, what role, what contact would there routinely be between the officers ---**
A. Indirect supervision.
Q. **And why don't you describe for me how that occurs.**
A. Officers would supervise line and movements. They would be standing there observing, not directly having control of a particular inmate.
Q. **So there'd be a group that --- are they exercised in groups, or is their recreation in groups?**

Page 47

A. Yes.
Q. **And when they go to meals, when inmates go to meals, do they go in groups?**
A. Yes, sir.
Q. **And then the officer would be --- there would be some officer who would kind of just be keeping an eye on them as they moved from the dormitory or wherever they're coming from as a group, to the dining hall; is that correct?**
A. Yes, sir.
Q. **Now, are there documents that will reflect the duty assignments of officers on a daily basis?**
A. Yes, sir. We post orders.
Q. **Post orders. Now, when you became the superintendent at Cambridge Springs, you were aware, weren't you, that some risk existed by virtue of having male officers assigned to positions where they would have direct contact with female prisoners? You were aware that there was some risk involved, that there would be some form of untoward sexual contact between a male officer and a female, weren't you?**
A. I was aware that all employees were at risk, male and female, sir.

Page 48

Q. **All employees are at risk?**
A. Yes, sir.
Q. **What do you mean by that?**
A. Well, approximately a third of our cases involve female on female. Female staff with female inmates. This problem is not isolated to one gender. If it were, it would be a simple solution.
Q. **And approximately two thirds of your cases have involved male personnel and the women prisoner?**
A. Approximately.
Q. **So there was a heightened --- were you aware that there was a greater risk when you had male personnel employed at a womens' prison of untoward sexual contact between the personnel and the inmates? Would you concede that there was a greater risk?**
A. I view everybody at risk.
Q. **You saw no distinction, then, between degree of risk, between when you have female officers and female inmates and male officers and female inmates; is that right? You view that as everybody?**
A. Everybody's at risk, sir, that's the way I view it.

Page 49

Q. **I understand that everybody's at risk, but so that I understand you correctly, you view this as an equal risk; is that correct?**
A. Yes, sir. Potential for risk.
Q. **Now, how do you explain the two thirds of the cases involve male personnel and only one third approximately involve female personnel? Is that an aberration?**
A. Perhaps.
Q. **Now, when you were at Waynesburg, this was also an institution where you had women inmates and I assume you had both male and female CO's and other personnel; is that correct?**
A. Yes, sir.
Q. **Were there instances during the time that you were at Waynesburg where you determined that an employee had sexually exploited or abused a female inmate?**
A. Meaning exploited or abused in terms of ---.
Q. **I'll give you the whole definition that was used so that's it clear what we're talking about.**

Page 50

A. I'd appreciate that.
Q. **In our Request for Production of Documents, the phrase, sexual abuse, harassment or exploitation, should be construed broadly and is intended to encompass such activities as touching of breasts, buttocks, legs, and other private parts, kissing, caressing or fondling of inmates, attempts to coerce or encourage inmates to engage in sexual acts, either by words, threats or physical force, and repeated references to sexual issues in the presence of inmates. Let me eliminate the last one, which would be simply, not simply, but would be making reference to sexual issues, and focus you on the first three parts, which is the touching of those private parts, kissing, caressing or fondling an inmate, or attempts to force or encourage an inmate to engage in sexual acts, either by words, threats or physical force. Using that as a definition, did any of those activities, based upon the determination of either the administration at Waynesburg or by the central office, occur at Waynesburg?**
A. I had one maintenance person allegedly exposed himself to a female inmate. I'm not

Page 51

sure what his motives were, if it occurred. And that person resigned.
Q. **Was that the only such activity?**
A. To my knowledge, yes sir, while I was superintendent. That's why I had trouble answering your question. Exposing himself did not, you know --- I had some trouble with exploiting, sexually exploiting.
Q. **So based upon your experience at Waynesburg, when you came to this prison, you didn't view the risk of sexual harassment, the definition I gave you, and the types of activities, as a serious risk, did you? I'm talking of a serious risk of occurring?**

ATTORNEY HALLORAN:
I'm going to object to the form of the question. If you want to ask him a question, he pauses to answer, let him answer before you start with other questions.

A. It's always potential risk.

BY ATTORNEY KRAKOFF:

Q. **This roof can fall, that's a potential risk, right?**
A. That's correct. Based on my experience

Page 52

with the staff at Waynesburg, they conducted themselves overwhelmingly, in a very mature, responsible and professional manner. The risk was accentuated perhaps here some because we hired a lot of new people.
Q. **I'm going to get to that later. But when you came here, based upon your experience at Waynesburg, you viewed the risk, based upon your experience at Waynesburg, as a minimal risk, didn't you, that there would sexual exploitation and sexual abuse by members of the staff against the inmates?**
A. Not minimal.
Q. **How great did you view the risk?**
A. One case is too many. I knew, you can certainly expect, even talking with my colleagues nationwide working with males or females, there's going to be sexual behavior in a prison. We do everything we can to prevent that through training and screening our candidates.
Q. **How great did you view the risk when you came to Cambridge Springs of that kind of behavior?**
A. It's always a risk.

Page 53

Q. **I'm trying to --- my question is how great did you view the risk?**
A. It's always a concern to me.
Q. **How great did you view the risk?**

ATTORNEY HALLORAN:
If you could quantify.

A. It's probably one of my biggest fears in life.

BY ATTORNEY KRAKOFF:

Q. **So you viewed it as a great risk?**
A. Yes, sir.
Q. **Now, when you spoke with Commissioner Lehman, did he give you any instructions, in terms of how you should attempt to minimize the risk of sexual abuse, exploitation, harassment, at Cambridge Springs?**
A. Through enforcing our Code of Conduct, our Code of Ethics.
Q. **Was that his advice?**
A. It may not have been in those words, those exact words. But that's certainly --- as I said, every boss that I've worked for has stressed the importance, and our employees are drilled into how seriously we take our code of ethics. It covers abuse.

Q. **Did you have any discussions with your counter-part at Muncy, at any time, either when you assumed the position at Cambridge Springs or afterwards, about their experiences at Muncy with respect to the sexual abuse harassment, exploitation issues?**
ATTORNEY HALLORAN:
Are you limited it up to 1993, '94, or are you going up to the present time?
ATTORNEY KRAKOFF:
Yeah, to the present time.
A. Well, we have ongoing discussions. It's always a concern.
BY ATTORNEY KRAKOFF:
Q. **When did these discussions begin, discussing ---.**
A. When I was first start working with female offenders.
Q. **In Waynesburg?**
A. Yes, sir.
Q. **And who did you speak with at Muncy?**
A. Superintendent Byrd (phonetic). Mary Byrd.
Q. **And what did she tell you about her**

experiences at Muncy?
A. Don't just look at the men, don't just watch the men.
Q. **Did she give you any other advice?**
A. That was the best piece of advice I got because I, too, thought, like most other people, that I thought that men would be at high risk. And she was the one that informed me that to look at both genders of your staff as being at high risk.
Q. **And did she give you any other advice that you can recall?**
A. That was probably the greatest piece of advice that she had given me when I first started.
Q. **Did she give you any advice with respect to procedures or policies that you can recall?**
A. No.
ATTORNEY HALLORAN:
Is that no, you can't recall them? Is that no, you can't recall, or no -.
A. I can't recall and probably not. Our department has very specific procedures if there

are concerns or reports of abuse.
Q. **Is there a specific policy, I'm talking about one document that sets out the department's philosophy, with respect to, and I'll use the term, sexual abuse, so you understand that includes the whole gamete. Is there a specific policy that sets out the department's philosophy, with respect to, sexual abuse by prison employees against inmates?**
A. Our most significant one is the code of ethics.
Q. **And I received a copy of the current code of ethics. Maybe you have a copy of that with you, if not, I'll let you look at this. The copy that I have appears to have been issued on June 1st, 1995, by Commissioner Horne. Can you point to the parts of the code of ethics that you view as reflecting the policy of the Department of Corrections, with respect to, the sexual abuse of inmates by prison personnel?**
A. Well, to maintain a safe and secure environment for offenders and staff.
Q. **All right. What page is that on?**
A. That's page two, the forward. The authority exercised over inmates will be fair

and professionally responsible.
Q. **Okay.**
A. General responsibility of the Department of Corrections of Employees, Section A.
Q. **What does that say?**
A. Page three. Consistent with the responsibility of all correctional employees of the Commonwealth of Pennsylvania to perform their duties with integrity and impartiality, and to avoid situations whereby bias, prejudice, personal gain, the following code is promulgated.
Q. **Uh-huh (yes).**
A. It mentions integrity. All employees are expected to fully comply with the Department of Correction's policy prohibiting sexual harassment.
Q. **All right, what ---?**
A. A-1, page three, discrimination.
Q. **I want you to read that whole section.**
A. Responsibility of all corrections employees to act in relation to all citizens of the Commonwealth without regard to age, race, color, ancestry, creed, sex, marital status,

national origin, non job-related handicap, political beliefs. This necessarily includes the inmates with whom we supervise and fellow employees with whom we work.

Q. **You said something about sexual harassment?**

A. Yes, sir.

Q. **Is that next?**

A. Yeah, all employees are expected to fully comply with the Department of Correction's policy prohibiting sexual harassment.

Q. **Where does that policy appear? Or is that the policy?**

A. Well, there are a number of policies regarding sexual harassment.

Q. **Of inmates?**

A. Well, it says right here. This is a policy here. This is here and it mentions inmates previously.

ATTORNEY HALLORAN:

Let's do this one at a time.

Why don't you finish going through this document and then pursue the other.

BY ATTORNEY KRAKOFF:

Q. **Any other sections?**

A. Section 4, I'm sorry, Section 6.

Q. **All right. And what page is that?**

A. Page 4, Item B, specific rules and regulations, number one, second paragraph, this involves the intelligent, humane and impartial treatment of inmates. Profanity directed towards --- directed to inmates, or vengeful, brutal or discriminatory treatment of inmates will not be tolerated.

Q. **All right.**

A. Corporal punishment shall not be utilized in any circumstances. Number two would be applicable in the minimal amount of force necessary to defend oneself, or others, to prevent escape, to prevent serious injury or damage to property to quell a disturbance. Excessive force, violence, or intimidation will not be tolerated. Talks about horseplay, but that's not applicable here. There shall be no fraternization or private relationship of staff with inmates or members of their families.

Q. **Anything else? I want you to indicate what paragraph you were reading from there. What page?**

A. I did, this is --- this is the same

one, Six, B-six, page five. Same one, Item 14, Page Six, Employees will promptly report to their supervisor any information which comes to their attention and indicates violation of law. Rules and/or regulations of the Department of Corrections, by either an employee or an inmate. And will maintain reasonable familiarity with the provisions of such directives. Item number 23, any conduct which brings discredit to their profession, responsibilities of the Department of Corrections, or public service at large shall be subject to immediate discipline.

All employees, including medical staff and counselors, are required to report inmate abuse complaints or incidents of inmate abuse to their immediate supervisor.

Q. **All right. And are those the items that, in your mind, relate to the issue of sexual abuse?**

A. Lastly, under enforcement, any employee who violates the provisions of this code shall be subject to immediate disciplinary action by the reporting authority.

Q. **Now, how is that code promulgated, or how is it distributed? Does an officer receive**

the code when he's employed?

A. At the very beginning, each Department of Corrections employee receives and signs for the ---

Q. **The code.**

A. --- code of ethics, yes, sir.

Q. **Now, that code is 1995, January of 1995. There's been a code in one form or another, I assume for many years?**

A. Since my career in 1971, sir.

Q. **Okay. Do you have a copy of the code that existed during 1993 and 1994?**

A. I can't say, probably get one. The language is ---

Q. **Is it similar?**

A. Yes, sir.

Q. **Because I'd like a copy of that.**

A. They change it when Commissioners change because the Commissioner's name is on the front.

Q. **Now, have you issued anything, and when I say you, I mean you, or somebody on behalf of yourself, issued an administrative directive, order, memorandum, anything, any other kind of document that speaks to the question of sexual**

Page 62

Q. abuse by prison employees against inmates and the philosophy of this administration with respect to such abuse?
A. I can't recall of anything specifically in writing. Other --- you mean me, personally? That was the question, wasn't it?
Q. No, I meant or somebody on your behalf, one of the deputies or somebody else on the administrative chain issuing such a document.
A. No. We operate under our code of conduct.
Q. Now, there are policy statements that are sometimes issued from the central office and then replicated by the superintendent, is that correct, with some modifications?
A. At various times, yes, sir.
Q. But you've not issued any sort of a policy statement with respect to the subject of sexual abuse and have relied on the code of ethics; is that correct?
A. Yes.
Q. To speak to the subject; is that correct?
A. You're talking about written?
Q. Yes.

Page 63

A. Again, I would have to look at some of our sexual harassment policies, which I reiterate the department's policy regarding sexual harassment.
Q. Sexual harassment within the staff, or sexual harassment by personnel against inmates, or both?
A. I would have to double check that.
Q. I would like --- because those would come within our requests. I would like a copy of anything that you or somebody on your administrative staff has issued on the subject of sexual abuse. Nothing at this point comes to mind on the subject, other than the code of ethics?
A. Well, something just came to mind.
Q. Well, why don't you tell me what that is.
A. Our training.
Q. Your training ---
A. Which I authorize the training in the institution here. It's done under my authority.
Q. And when did that come about?
A. It started since the inception of the institution.

Page 64

Q. The training?
A. The training --- the local training was conducted here, on grounds.
Q. And there's something in writing on the subject of sexual abuse of inmates?
A. On the abuse of inmates, yes, and sexual abuse is a sub-category of abuse. I view them as the same. Physical, mental, sexual, abuse. Inmates are --- there's no abuse of inmates. This is why I'm having trouble coming up with just a specific document that relates to a particular type of abuse.
Q. So I take it --- I take it that you don't see a need for having a written policy or a written training manual that specifically focuses on sexual abuse; is that correct?

ATTORNEY HALLORAN:
I think we're ---

ATTORNEY KRAKOFF:
He's talking about the training record and I ---.

A. I've answered that, I believe.

BY ATTORNEY KRAKOFF:

Q. Well, let me ask the question again.

ATTORNEY HALLORAN:

Page 65

Well, let me ask and we can conserve --- we want to review, I'm not so sure that we have checked training materials in response to your Request for Production. So I want to make sure that's done before ---.

BY ATTORNEY KRAKOFF:

Q. I understand that, but I'm suggesting is that as I understand your response, to you abuse, is abuse is abuse, whether it's physical, or sexual, that all abuse of inmates is not tolerated; correct?
A. That's correct, sir.
Q. And all abuse of inmates is wrong; is that correct?
A. That's correct, sir.
Q. And abuse of inmates is generally the same thing, whether it takes the form of physical, or sexual or mental abuse; is that correct?
A. There may be different pathologies, I wouldn't say ---.
Q. There might be different causes, is that what you mean?
A. Yes.

Page 66

Q. Do you see a need for having training that is specifically, I'm not asking you now whether you have such training, but do you see a need for having training that is specifically focused on sexual abuse, as opposed to other kinds of abuse?
A. Yes, sir, yes, and we have implemented that.
Q. When did you implement that?
A. September of '94.
Q. And is there some written document or training manual, part of a training manual, that contains the text of this sexual abuse material?
A. We have a video tape, it's taken and shown to each and every person.
Q. Yeah, I would like a copy of that, that would certainly be relevant. And that is shown to each person when they begin their employment here?
A. Yes, sir.
Q. And that began in September of 1994?
A. This particular program did, yes, sir.
Q. And how long is the video, approximately?
A. It's quite lengthy. It a video tape of

Page 67

the, then, Director of our Internal Affairs, our Special Services Investigation Unit.
Q. What was his name?
A. Vaughn Davis. Came to this institution based upon our concerns, and ---
Q. He spoke?
A. He spoke on several occasions.
Q. But the first time he came ---
A. He talked to a lot of our employees and it was --- he came back again in November of '94.
Q. The first time he came was when?
A. September of '94.
Q. And was that when you taped the presentation?
A. He spoke to all of our employees. We had all of our staff, it was mandatory for them to participate. He came back in November. We then videotaped it, he was out here, again, we videotaped it in March of '95. We showed that tape for quite some time and it was inadvertently erased. Someone forgot to take the little thing off the cassette. He came back and retaped it.
Q. When did you retape it?

Page 68

A. October of '95. But we still continued, between March of '95 and October of '95, that tape was shown to our --- after all staff received that training, all new people came in and viewed that tape. And that tape was shown for some time without being inadvertently erased. When we found out it was erased, Vaughn came out very quickly and redid it for us.
Q. More or less this same presentation?
A. Yes, sir.
Q. And why don't you describe when the request or invitation from Mr. Davis came about. I know you said that he came to the prison in September of 1994?
A. Yes, sir.
Q. And that was because there had been some concerns --- when and why did you express those concerns to Mr. Davis?
A. Because of the incidents of staff fraternization with inmates and becoming sexually involved with them.
Q. And when did these concerns emerge in your mind, that were sufficiently serious, I take it, for you to contact Mr. Davis?
A. Well, the question sounds as if I was

Page 69

not concerned previously. I was always concerned from the very first case, and certainly part of our strategy, too, as a department, was to take and to investigate. Based on the results of the investigation take very swift and decisive disciplinary action and prosecute where we believed that there was sufficient evidence to file criminal charges with the District Attorney's office.
Q. Well, when was it that you determined to contact Mr. Davis and to ask Mr. Davis to come to speak? We know he came in September of 1994.
A. I really don't know because we have been in routine dialogue with his office. I don't --- it was predicated on our concerns that there had been a few of these cases. We took very decisive action, disciplinary action, and quite frankly, you know, once you start arresting people and sending them to jail and they're fired or terminated, it's still bewildering to me how anybody could engage in that type of behavior.
Q. You mean after it becomes known?
A. After what, you know, well, from the

Page 70

very beginning. It's --- we're part of the criminal justice system, and it's very clear to me that there's serious consequences to this. We reinforce the consequences through investigating where we found there was evidence to substantiate either our suspicions or the allegations, we took very decisive disciplinary action where we've arrested people. Despite that, I don't I don't think you're going to totally eradicate it and that's the part I don't understand. It just doesn't seem --- rational people. I've had literally hundreds of people say they don't understand why anybody would continue to do that at your institution. It's just --- but there are aberrations of human behavior that have ---

Q. **Have what?**

A. Perhaps unexplainable and maybe totally unavoidable. I don't think you're ever going to deal with human behavior, totally, to get everybody to comply with the law, whether you're behind the fence or outside the fence. If we could, maybe we wouldn't have a need for prisons.

Q. **Were any documents, letters, memos, et**

Page 71

cetera, sent by you or exchanged with Mr. Davis, prior to his coming to the prison in September of 1994?

A. Oh, yeah, yeah.

Q. **What document, what exchange of documents occurred?**

A. In terms of --- what kind of documents?

Q. **You know, a letter saying, Dear Mr. Davis, this will confirm that you'll be coming to the prison at such and such a time to speak with my staff. That's one example of a document.**

A. I'm not sure one exists for this. A lot of things are done over the phone.

Q. **Right. And you don't know how long in advance of Mr. Davis' coming, you asked him to come?**

A. I don't recall, no.

Q. **Did you ask Mr. Davis to come, or did he tell you, I'm going to come?**

A. We agreed it was --- we were discussing, we discussed the problem. It was a mutual agreement.

Q. **What cases, you alluded to cases, what cases had occurred that prompted you to have Mr.**

Page 72

Davis come to the prison. What cases are you referring to?

ATTORNEY HALLORAN:

Let me object to the form of the question, only to the extent that he indicated that it was a mutual --- that he come.

ATTORNEY KRAKOFF:

Okay. I understand that.

BY ATTORNEY KRAKOFF:

Q. **However it came about, we know that Mr. Davis arrived in September of 1994. Do you remember the date in September?**

A. September 16th, our records show.

Q. **And do you recall the sexual transactions that had occurred prior to his coming, which had led to Mr. Davis coming?**

ATTORNEY HALLORAN:

Objection to the form of the question. There's no evidence of sexual transactions having occurred?

ATTORNEY KRAKOFF:

Oh, I'm sorry. I thought --- okay.

BY ATTORNEY KRAKOFF:

Page 73

Q. **Didn't you say that there had been sexual activities between Cambridge Springs personnel and inmates and that that is what prompted you to contact Mr. Davis?**

A. Fraternization and using their your definition of sexual harassment, yes, sir, which includes fondling and kissing.

Q. **Why don't you tell me which transactions involving which personnel had caused, that had led to Mr. Davis' coming?**

A. Which ones? I don't have those in --- I don't have those directly in front of me to recall just off the top of my head, you know, which ones.

Q. **You don't remember the names of any of the personnel involved?**

A. I remember many of them, but the time line on this suit, I can't remember, specifically.

Q. **Well, Davis came up in September of 1994. You can't tell me, as you sit here today, any of the incidents and personnel who were involved in those incidents, that had led to your discussion with Mr. Davis?**

A. Again, without looking at the dates

Page 74

that these occurred, I certainly remember many of them, but the dates of the training to coincide with, I might give you one that happened afterwards. In terms of the time line, I remember --- I remember most of the incidents. I'm having trouble with your question, sir, with your time line.

Q. **You mean in terms of --- why don't you tell me --- you said that you were concerned from the very first case. What was that very first case that you were referring to?**

A. The very first one was an officer that moved in with one of our parolees. There was no ---.

Q. **This was after she had been paroled?**

A. Yes, sir.

Q. **And what was the officer's name? Was it a woman?**

A. Jennifer Langford, (phonetic) yes, sir.

Q. **And this was against the code of ethics?**

A. Yes, sir.

Q. **And what year was that, 1993?**

A. I would guess, perhaps. I can't remember whether it was '92, '93, sir.

Page 75

Q. **And what occurred, what kind of discipline, if any, was issued?**

A. The officer resigned.

Q. **Had you told her that if she didn't resign that she would be fired, or had somebody told her?**

A. That was implied before the process continued. We didn't threaten her and say, if you don't resign, you know, to intimidate her in that manner.

Q. **Did you tell her that there would be disciplinary charges filed against her?**

A. We were already investigating it. It was in the process of the investigation. It didn't really have to go to a PDC, she resigned.

Q. **And what was the next incident that you can recall?**

A. It's a ---.

Q. **What was another early incident that you can recall? By early, I'm referring to, you're pretty confident ---**

A. My --- my ---.

Q. **Sorry.**

A. Go ahead, finish your ---.

Q. **--- that you're fairly confident**

Page 76

occurred prior to September of '94?

A. Perhaps my facility maintenance manager, and I'm not even sure about that. Perhaps my facility maintenance manager, Carl Zimmerman.

Q. **Was that Zimmerman?**

A. Carl Zimmerman, yes, sir. I don't remember the exact times or dates on it.

Q. **And what was the nature of his situation?**

A. Based on our internal investigation, I believe --- no, let me take that back. An inmate, an inmate had written to our Special Services unit, is my recollection of it. If it's a little bit inaccurate, I'm going from memory.

Q. **That would have been in Harrisburg?**

A. Yes, sir. I believe an inmate had written to Special Services and had made allegations. Predicated on those allegations, Special Services came out and investigated that case.

Q. **What were the allegations, in sum and substance?**

A. That he was fraternizing with one of

Page 77

our inmates.

Q. **By fraternizing, what did that mean?**

A. Sir, I ---

Q. **Is that the word used, fraternizing?**

A. I don't know. The letter was written to Special Services, it was not written to me. That's why I would have used the general term --- I don't know the specifics of the letter.

Q. **Did you receive any information that there were allegations of sexual conduct between Mr. Zimmerman and this inmate?**

A. Sexual conduct, meaning, sir?

Q. **Well, anything from touching the genital area, to touching the breasts, kissing on the lips, fondling the buttocks, having intercourse.**

A. Based on that definition, yes, sir. I don't know if that was in the original letter, though, or turned up during the course of the investigation.

Q. **Was that Gunderson (phonetic), was that the name of the gentleman?**

A. Aca (phonetic) Gunderson, yes, sir.

Q. **And where were these activities supposed to have taken place?**

A. In his office.
Q. **And was Mr. Zimmerman --- he's no longer h re; correct?**
A. That's correct.
Q. **What happened to him?**
A. I fired him.
Q. **And you fired him for --- on what basis?**
A. Fraternizing with inmates.
Q. **Did he allegedly fraternize with more than one inmate?**
A. I don't recall. I believe there was one other inmate that was alleged, but it was never proven. She did not come forward, so ---.
Q. **Was Mr. Zimmerman prosecuted?**
A. No.
Q. **Do you know why he wasn't?**
A. You would have to ask Special Services.
Q. **Is it Special Services that makes the decision?**
A. In that case they were.
Q. **Can you make that decision? Do you have the authority to make that decision?**
A. Yes, I do.
Q. **Why didn't you decide to prosecute Mr.**

Zimmerman?
A. That was their call, sir.
Q. **Why was that their call rather than yours?**
A. They didn't consult with me.
Q. **We're going to go on to some of the other situations. But this Officer Langford (phonetic), my understanding of what you testified to is, that somebody contacted the central office, with allegations ---**
A. Langford, no sir.

ATTORNEY HALLORAN:
No, it was Zimmerman.

A. Zimmerman. Langford came to our attention. We began an investigation. While the investigation was ongoing, she resigned.
Q. **Right.**
A. It never came to the point where, and secondly I wouldn't threaten an employee, if you know. If they were ---.
Q. **But you had confirmed that Langford was actually residing with a parolee?**
A. We were investigating it at that time.
Q. **Was there evidence that that was the case?**

A. There was reason to believe she was, yes, sir. That's why we were investigating.
Q. **Was that investigation in-house, or was that from the central office.**
A. That was an in-house.
Q. **I'm not going to ask the name of the person, but had this information that led to the initiation of an investigation come from an inmate or from an officer or from somebody else?**
A. On which case?
Q. **In Langford.**
A. I don't recall.
Q. **Now, why didn't, and I think that I was at that question, why didn't you take steps to contact the central office and say, I want to prosecute Mr. Zimmerman. Why didn't you do that?**
A. I can't report what's not known to me.
Q. **What wasn't known to you?**
A. About Mr. Zimmerman. The inmate wrote to central office. I was not copied on that.
Q. **All right, and then central office conducted an investigation?**
A. They launched it on their own initiative.

Q. **Correct.**
A. Right. And I was contacted --- I was notified that they were contacted that they had received information and they initiated ---.
Q. **And they conducted an investigation?**
A. Yes, sir.
Q. **And was Captain Bartlett (phonetic), who might have been Lieutenant Bartlett at that time, I'm not sure, was he involved, was he the security officer at that time? Or wait, that's two questions.**

ATTORNEY HALLORAN:
That is two questions.

BY ATTORNEY KRAKOFF:
Q. **Was there any in-house person, any Cambridge Springs person, who was involved in the investigation of Mr. Zimmerman, as far as you know?**
A. I can't recall who was my intelligence lieutenant at that time.
Q. **Had you heard, prior to being informed of the investigations being launched at the central office, had you heard any rumors or allegations about Carl Zimmerman being involved with women prisoners?**

Page 82

A. I recall a vague rumor.
Q. Had you, at some point, sat down with Mr. Zimmerman before this investigation and said to him, listen, Carl, you've got to watch yourself because I'm hearing that you're carrying on relationships with an inmate or with inmates? Do you recall?
A. I would never say that, you got to watch yourself.
Q. I didn't mean watch yourself in the sense --- you got to stop if you're doing, you've got to stop doing it. Did you at some point tell him that?
A. No, no. Absolutely not. No, I have no recollection of that. That would --- if I --- the way you phrased the question would believe that I believed he was guilty. If I believed there was any merit, I certainly wouldn't say anything to him. Absolutely not.
Q. No, but I'm talking about at the stage where you had heard this vague rumor. What did you do with that vague rumor? That's what I was talking about. What did you do after you heard the vague rumor?
A. I honestly can't recall at his

Page 83

particular moment.
Q. That's what I meant by that. Do you have any recollection of asking somebody to look into the rumor?
A. That particular case, sir, was so long ago, I can't remember exactly what was done. I'd have to look at the records to refresh my memory. I don't want to deceive you nor shortchange myself.
Q. Now, let me advise you that in the course of discovery, in Plaintiff's first Request for Production of Documents, Item Seven, which was provided to your attorney and then later responded to, the seventh item requested, quote, all memoranda, correspondence, incident reports, notes to the file, OSI and prison level investigative materials, personnel records, internal disciplinary records and other documents related to the issues of alleged or actual sexual abuse, sexual harassment, or any other form of sexual or physical misconduct by prison personnel, other than Officers Eicher (phonetic) and Raun against Cambridge Springs inmates, prison personnel or members of the public.

Page 84

And I didn't receive anything at all about the Langford situation, or the Zimmerman situation and I'm hoping to receive that information. Because some of the questions that I'm asking you is out of ignorance because I haven't seen any of those documents. I wouldn't have to, for example, try to get you to tell me when the Zimmerman matter was investigated because I'd be able to look at a document, but I don't have any documents on that at this point, so ---.
Do you recall any other cases that you feel, and I realize you're not sure, you told me that, that you feel fairly confident about occurring prior --- that they occurred prior to Mr. Davis' visit in September of 1994 to Cambridge Springs? Were there any other --- you mentioned Zimmerman, which you think occurred prior to then, you mentioned Langford, which you think occurred prior to then. Are there any other transactions that you think occurred prior to then, prior to Vaughn Davis' first visit?
A. I can't recall. There may have been. Again, I'm having trouble, sir, with the times and I certainly don't intend to deceive you.

Page 85

You know, with the dates, I don't have those dates in front of me.
Q. I'm going to go over some other names with you. I was going to do it later, but why don't I ask you about that now? The Walton and Gleckill (phonetic) situation, is it your recollection that that occurred before or after Mr. Davis' first visit, or don't you know?
A. I can't recall. I can tell you what occurred, the dates on it, sir, I'm not certain.
Q. Are you aware of any allegations involving a Cambridge Springs officer and Lillian Lavenrock (phonetic)?
A. Lavenrock, I'm not familiar with anybody named Lavenrock.
Q. I might have the name --- Lavenrock is the name I have.
A. No.
Q. No?
A. No.
Q. I might have that wrong. What about Colleen Hughes? Do you have any recollection of anything involving an inmate by the name of Colleen Hughes?
A. No, sir.

Page 86

Q. What about any allegations of sexual improprieties by a Cambridge Springs supervisor named Requeen, or Requine, R-E-Q-U-I-N-E, or something to that effect?.
A. No.
Q. No?
A. Not on my staff, no.
Q. Pequine? (phonetic)
A. Oh, Arnold Pequine.
Q. Do you recall anything, any allegations involving him?
A. No.
Q. Does he still work here?
A. No, he's since retired.
Q. Now, what about Bruce Allen, Officer Bruce Allen? Do you recall anything about him?
A. Bruce Allen, I don't recall an officer named Bruce Allen.
Q. Or an officer, training COT, a CO trainee, his name was Bruce Allen?
A. I don't even recall the gentleman, sir.
Q. Okay. Now, I'm going to come back to these later. Do you recall allegations, and I'm not putting this in any particular time period, between --- allegations of sexual improprieties

Page 87

involving Officer Eicher and I believe it's Elizabeth Jones, E. Jones?
A. I don't recall that one.
Q. What about Eicher and either of the Masonette (phonetic) sisters, do you recall any allegations about that?
A. I don't, no.
Q. No?
A. No, sir, no.
Q. What about --- are you familiar with the names Masonette?
A. Oh, yes.
Q. Two sisters?
A. Yes, sir.
Q. And what about Eicher and an inmate by the name of Hoover, I believe it's Paula Hoover, or P. Hoover? Do you recall anything about allegations involving Eicher and an inmate by the name of Hoover?
A. I don't recall at this moment, I mean, that's a lot of information. I'd have to check records.
Q. What about, you obviously involve --- there were alleged sexual involvement between Eicher and Lisa Lambert?

Page 88

A. Yeah, I knew, yes, sir I do recall that one.
Q. What about allegations involving an officer by the name of Montano (phonetic) and Lisa Lambert. Do you recall anything about if there such allegations?
A. I don't recall specifically, sir, no. I know the people
Q. Do you recall, even in general, that there was some alleged involvement between Montano and Lisa Lambert of a sexual nature?
A. No, sir, I don't recall.
Q. And what about an officer by the name of Merry, M-E-R-R-Y, do you recall his name?
A. Yes, I know him.
Q. And do you recall that he was alleged to have been involved with, in a sexual way, with an inmate by the name of Binum (phonetic), do you recall that?
A. Not that specific one, sir.
Q. Do you recall any allegations that Merry was involved with any other inmates other than Binum?
A. Yes.
Q. And what were their names?

Page 89

A. I don't recall the inmates.
Q. More than one, though?
A. I don't even know if there was more than one. There was a case.
Q. Do you recall allegations that a CO by the name of Rogers (phonetic) and Lisa Lambert had some sort of a relationship involving what I generally described as sexual abuse?
A. No, sir.
Q. Do you recall hearing of allegations of sexual improprieties between an officer by the name of Coffee and an inmate by the name of Diaz (phonetic), M, as in man, Diaz?
A. I don't recall that one, either.

ATTORNEY HALLORAN:
Excuse me, who was the last one?

ATTORNEY KRAKOFF:
Diaz.

ATTORNEY KRAKOFF:
And who was the other --- what was the other's name?

ATTORNEY KRAKOFF:
Coffee, spelled like the drink.

BY ATTORNEY KRAKOFF:
Q. Do you recall allegations of alleged sexual involvement, and I'm defining that term broadly as I did with sexual abuse, between an officer by the name of Free, F-R-E-E, and an inmate by the name of Jafka, J-A-F-K-A?
A. No, I don't recall that.
Q. Do you recall any allegations of any sort of sexual abuse involving a maintenance worker by the name of Young, I think his first initial --- his first name begins with a W?
A. Wayne.
Q. Wayne, and Ms. Jafka, do you recall hearing any allegations of sexual improprieties involving Young and Ms. Jafka?
A. No, sir. No, sir, I didn't.
Q. What about another employee by the name of M. Stewart, S-T-E-W-A-R-T, and an inmate by the name of Dibello, D-I-B-E-L-L-O, do you recall --- do you know who Mr. Stewart is?
A. I don't know who you're referring to, no sir.
Q. It's M. Stewart, do you have any ---? We can come back to that. Do you recall an inmate by the name of Dibello?

A. Yes.
Q. Do you recall any allegations of any officers or any maintenance personnel having some sort of an alleged transaction of a sexual nature with Ms. Dibello?
A. I can't recall.
Q. And I take it you don't recall any allegations that, I believe it was Lieutenant Beck and Ms. Dibello, and I'm saying, using the term, allegations, were involved in some sort of sexual abuse situation?
A. I don't recall that, either, sir.
Q. Was it Lieutenant Beck, is that --- is there an officer with that name?
A. Yes, sir.
Q. What about allegations of a sexual liaison between, and I don't want to use, I suppose the term, liaison, but some sort of a sexual encounter between an officer by the name of Schmidt, S-C-H-M-I-D-T, and Lisa Lambert, do you recall any allegations of that sort coming to your attention?
A. I remember that case, and it's very vague. I do not remember details. I vaguely recall we did look into an allegation concerning

Schmidt, I don't recall who, if it was Lambert or if it was somebody else.
Q. And when the prison looks in to such allegations, is it customary for some sort of a report to be generated, an incident report, an extraordinary incident report, notes of interviews, memorandum or any other document generated whenever allegations of sexual abuse are made?
A. Any investigation, there's a record of that.
Q. In writing?
A. Any one, which would include the sub-topic of sexual abuse.
Q. Now, after it came to your attention that there was reason to believe that Jennifer Langford, the officer, had moved in with a parolee, and then Officer Langford resigned, do you recall whether the administration made any announcement, any pronouncement, in connection with an officer not being allowed to live with a parolee?
A. That's in our code of ethics, yeah.
Q. Did you take any steps after that to announce, through a memorandum or any other sort

of written communication, this is inappropriate, and will not be tolerated, or words to that effect?
A. Those specific words, no, I don't recall.
Q. I'm not asking for the specific words. What I'm saying is, here you gathered --- there was information gathered that Langford had moved in with somebody who had been paroled from Cambridge Spring. What did you do to announce to your staff, this won't be tolerated and if you do this, it's wrong, and if you do this, disciplinary action will be taken. Did you, or anybody on your behalf, take any steps?
A. I don't recall.
Q. You don't recall one way or the other, or you don't ---?
A. That's correct, I don't --- that case was a number of years ago. I honestly don't recall. In fact, I'm not sure how far the investigation --- I don't recall the investigation to determine it, in fact, she was even with him. I don't recall the specifics of that.
Q. But I think you said earlier that there

was reason to believe that the allegation was true, that she was living with a parolee?

A. There was reason to believe. My recollection is before the investigation could conclude, come up with any findings, she had resigned.

Q. **Now, when Carl Zimmerman was fired, the same question. Did you take any steps to announce to your staff that, to use your word, fraternization with an inmate will not be tolerated and will lead to discipline?**

A. The fact that he was fired was well known within the institution, as to what would happen if you engaged in that behavior, yes.

Q. **Was the reason he was fired announced to the staff?**

A. That would be inappropriate but it was known.

Q. **Kind of through the grapevine?**

A. It would be inappropriate for me to discuss the details of anybody's personnel with the general public. It was a big investigation and people knew what ---.

Q. **So your impression is that your staff knew what had happened to Mr. Zimmerman and why**

it had happened?

A. Absolutely.

Q. **But there was no specific announcement made following, or in the wake of, Zimmerman's termination, we will not tolerate fraternization, was there, that you can recall?**

A. I think we reaffirmed the code of conduct, or code of ethics, through the firing. That was ---.

Q. **Right.**

A. Right. The code of ethics are there, we live by that document daily. Daily, there are references to the code of conduct. This isn't something that is signed for and thrown in a closet, I mean, there's a lot of information in there and that is used --- our staff know about the code of conduct. That's drilled into them repeatedly.

Q. **Now, I take it that when arrangements were made for Mr. Davis to come to Cambridge Spring, that there wasn't just the Zimmerman situation and the Langford situation, that there were other situations that had prompted you to speak with Mr. Davis. You feel confident with that much, don't you?**

A. Yes, sir.

Q. **But you're not able to tell me as you sit here today, either how many or who those transactions involved; is that correct?**

A. I don't recall the specifics of them. I know there were some.

Q. **Can you tell me approximately how many incidents, in addition to Langford and Zimmerman, occurred prior to Mr. Davis arriving?**

A. No, sir, I don't know.

Q. **And by that, that's kind of a --- by occurred, what I'm talking about is incidents that you had received information about and which were part of what prompted you to contact Mr. Davis. You don't know whether it was one other incident or two other incidents, or three, or five, or any other number?**

A. That's correct. I wouldn't want to give you --- I wouldn't want to venture a guess or give you false information.

Q. **Now, where did Mr. Davis make his presentation when he came in September? I know it was at the --- I assume it was here at Cambridge Springs, from what you had testified to?**

A. Yes, sir.

Q. **Do you recall where that presentation took place?**

A. Yes, sir, I attended it myself. That was in the lecture hall.

Q. **That was a lecture hall?**

A. Yes, sir. In Curry (phonetic) Hall.

Q. **And virtually every officer attended?**

A. Yes, sir. It was mandatory training.

Q. **And were maintenance personnel required to attend also?**

A. Mandatory training for everybody, sir, since all people are at risk.

Q. **And do you recall whether there were any documents that were handed out as part of the retraining? Do you recall whether there were any instructional materials? I know you said that this was ---?**

A. It was a lecture.

Q. **It was a lecture?**

A. Yes, sir.

Q. **Without documents being distributed?**

A. References were --- in fact, the training was on the code of conduct, code of ethics. Therefore, every employee had a copy of

it, so there was no need to distribute anything.
Q. Was Mr. Davis' presentation limited to the subject of sexual improprieties, harassment, sexual harassment, fraternization between officers and inmates, or was it broader than that?
A. Both, sir. It covered the code of conduct, with an emphasis on sexual misconduct.
Q. Because that's primarily why you had him come up?
A. Yes, sir, yes, sir, correct.
Q. Who was guarding the place when he gave the lecture ---?
A. He gave numerous lectures that covered different shifts. He came in at different times during the day. That's the only way to accomplish that.
Q. What a peculiar thing to think about, though, I was wondering. Now, was it this --- it was the next presentation in October that, I'm sorry. When was the first videotaping, was it the September presentation or was it one of the subsequent ones --- the original videotaping?
A. I believe that it was in March of '95,

is when we did the --- to cover the new hires, and it's certainly impractical for Mr. Davis to come up here with each new hire we have.
Q. And you think that --- not you think, you testified I think, that this tape was erased and then there was a retaping in October of 1995 that, whose substance was basically the same as the tape of March of '94?
A. That's correct.
Q. And there is a tape of the October, 1995 presentation in existence which I can receive a copy of?
A. Yes, sir, there is. There certainly better be because we show it to each new employee.
Q. And that's another tape that I would like to have.

ATTORNEY HALLORAN:
There's only one tape, that's the only tape. When you had the November 22nd, 1994, it wasn't taped.

ATTORNEY KRAKOFF:
Right, it wasn't taped. I think it wasn't until --- it was March of 1995 that there was a first taping.

That tape no longer exists. We should have a tape from October of '95.

ATTORNEY HALLORAN:
Okay.

BY ATTORNEY KRAKOFF:
Q. Now, I asked you at the threshold of the deposition, how, you know, to quantify your view of the extent of the risk of, and I think I've limited it to the abuse by male officers of female inmates; is that correct, do you recall that?
A. Yes, I just ---.
Q. And I believe your testimony was that, you know, there's --- that the extent of the risk is, you know, it's universal. It's the same for --- whether you're talking about a man officer or a woman officer?
A. That's correct, sir.
Q. And the question I put to you now is, has your view of the extent of the risk changed at all since you became superintendent, based upon, first, what occurred prior to September of 1994, and then based upon events that I'm going to review --- based upon anything that occurred, subsequent to September, 1994. Let me ask you

the first question. Did your perception of the view of the risk of officer, or inmate sexual abuse, change at all after you became superintendent at Cambridge Springs?

ATTORNEY HALLORAN:
I just want to object to the form of the question because I think it's confusion over whether or not his perception related to the training he gives, as opposed to the perception related to these set of events as they occur. I think there's a difference.

ATTORNEY KRAKOFF:
Yeah, whatever the, whatever the rea --- I understand your distinction.

ATTORNEY HALLORAN:
All right. I just want to make sure the question is clear.

ATTORNEY KRAKOFF:
Oh, you mean something that he might have heard from Mr. Davis, or something of that nature.

ATTORNEY HALLORAN:
No. What I'm saying is that

---.

ATTORNEY KRAKOFF:
Why don't I just ask him whether his perception has changed at all and why. And that way he can explain. Would that be a fair ---?

ATTORNEY HALLORAN:
His perception of what the actual risks are as opposed to how they deliver training may not be the same.

BY ATTORNEY KRAKOFF:

Q. Right. I'm limiting it to your perception of the risk, from the day you became superintendent here at Cambridge Springs, has your view of the perception of the risk of sexual abuse on the part of prison personnel against inmates, changed at all, and if so, why?

A. As I testified earlier, it was always a major concern, any type of abuse. The number that we had during that time caused me greater concern, yeah, I was very disappointed in the staff.

Q. By that time, you're talking about the period preceding Mr. Davis' lecturing here in September of 1994? Is that the time period that

you're talking about?

A. Yeah, that's correct. I certainly did not open this institution expecting that outcome. Certainly did not.

Q. So is it fair to say that the number of incidents of staff on inmate sexual abuse exceeded what you had expected when you became the superintendent here?

A. Oh, absolutely, absolutely.

Q. And did your view change after, between September of 1994 and anytime later ---

A. Yes.

Q. --- with respect to the risk of staff on inmate sexual abuse?

A. Yes, sir, and that's we responded with the training, additional training.

Q. So even --- your concerns increased even after September of 1994? Is that the case,

A. Every time we would have a case, it causes me to review what we're doing and try to reduce those episodes to zero. I'm always reviewing what I'm doing.

Q. You've testified that you hadn't expected the amount of sexual abuse that occurred here in Cambridge Springs, prior to

September of 1994; is that correct?

A. Yes, sir.

Q. And there have been, based upon documents that I have received, specifically, there's one involving a CO Hammers (phonetic), one involving an Officer Merry, there are one or two others that I'm not able to recall now. There were incidents of abuse that occurred even after Mr. Davis came in September of 1994; is that correct?

A. I believe so. I don't have those exact --- again, the time line is why I'm having trouble with your questions.

Q. My question to you is very simple. Why do you think the incidents of abuse has been at the level which it has been at Cambridge Springs, sexual abuse?

ATTORNEY HALLORAN:
Let me object to the form of the question. To the extent you're using the term as such, rather than allegations.

A. Run that again then, changing ---.

BY ATTORNEY KRAKOFF:

Q. Do you know how many incidents of ---?

ATTORNEY HALLORAN:
Allegation?

BY ATTORNEY KRAKOFF:

Q. No. Do you know how many incidents of confirmed sexual abuse by personnel against inmates have occurred at Cambridge Springs since it opened?

A. To today?

Q. Yes.

A. Approximately ten.

Q. Now, I take it that when you said approximately ten, I gathered from your pausing that you were --- you were thinking or recollecting incidents before you answered; is that correct, so that you could give the approximate ten answer?

A. That's correct, oh, yeah.

Q. What I'd like you to do is --- are you including the Langford investigation?

A. Yes, sir.

Q. Langford is one. What is the second, Zimmerman?

A. Zimmerman.

Q. What is the third.

A. Martin Miller.

Page 106

Q. Fourth?
A. You helped refresh my memory.
Q. Merry?
A. Merry. Lisa Stallard.
Q. S-T-
A. A-L-L-A-R-D.
Q. She's an officer, or ---?
A. Food service.
Q. Food service.
A. Linda Bish, food service.
Q. Now, can we try to see if we can get it first, then we can --- this isn't a test, but I want to see what you can recall and then we can add. Stallard and Bish didn't come to your mind right away; is that correct?
A. Not at this particular moment. The other day when I was trying to recall them and I did.
Q. And Deputy Kormanic helped you with the names Stallard and Bish, didn't she?
A. Yes.
Q. Do you have any other names that come to mind? We're up to six.
A. Mary Hull, H-U-L-L.
Q. And is she ---

Page 107

A. A CO.
Q. Are there any others that come to mind?
A. Ron Randolph, maintenance.
Q. Okay. We're up to eight.
A. That's all I can recall at the moment.
Q. And I have no problems if it'll be helpful if the Deputy Superintendent Kormanic has any other --- she can prompt him.

ATTORNEY HALLORAN:
You can ask her.

ATTORNEY KRAKOFF:
Well, the only reason I'm saying that is I might want to ask, I might was to ask Superintendent Wolfe about some of those incidents, and this would avoid my having to recall him to ask him those. However you want to work it, because that's what I intend to do is to review some of these with him.

LUNCH BREAK

BY ATTORNEY KRAKOFF:

Q. We're back from the lunch break. Have you had an opportunity to identify additional transactions? You had listed eight before the

Page 108

lunch break. Have you been able to acquire any additional information about other transactions?
A. Yes, sir. I was able to go back into my files and get some notes.
Q. Okay. And why don't we begin with nine, and then go from there. Could you identify the name of the officer or other person who was involved?
A. I don't even remember which names I gave you. May I read my list? Or you read your list.
Q. Langford was one, Zimmerman was two.
A. Yes, sir, okay.
Q. Miller, Martin Miller was three.
A. Yes.
Q. Officer Merry was four. Lisa Stallard was five. Linda Bish was six. Mary Hull was seven. Ron Randolph was eight.
A. Okay.
Q. And who else do you have?
A. James Eicher. I couldn't remember because --- that's the case we're doing.
Q. Eicher?
A. Yeah.
Q. Okay, that's the one with Lambert?

Page 109

A. Yes, sir. And Paul Walton.
Q. Okay.
A. Oh, let's see, there's a Richard Hammers.
Q. Any more?
A. I come up with one, two, three, four, five, six, seven, oh, Lieutenant Mort.
Q. Lieutenant ---?
A. Ken Mort, Kenneth Mort.
Q. M-O-R-T?
A. Yes, sir. Total of 12 since we opened.
Q. Now, do any of the 12, to your knowledge, involve multiply inmates, in other words, more than one inmate?
A. Yes, sir.
Q. Let's begin, you know, with --- you can say yes or no as I run down the list. That would probably be the most efficient way to do this. If it involved more than one, then say yes, no if it didn't. Langford?
A. No.
Q. Zimmerman?

ATTORNEY HALLORAN:
This is going to be ---

A. No, wait, wait.

BY ATTORNEY KRAKOFF:
Q. **Is this going to be confusing?**
A. It will --- what do you mean involve more, based on our ---
Q. **Well, what I meant was ---**
A. --- based on our investigation?
Q. **Yeah, what is based upon ---.**
A. What I know as a result of our investigation?
Q. **That's right.**
A. Okay.

ATTORNEY HALLORAN:
Why won't we just say, let me finish it. When he gives you the name you say one inmate or more than one inmate.

ATTORNEY KRAKOFF:
Okay. That will be clearer then.

A. Okay.

BY ATTORNEY KRAKOFF:
Q. **Langford?**
A. One inmate.
Q. **Zimmerman?**
A. One inmate.

Q. **Miller.**
A. Multiple.
Q. **More than one inmate?**
A. More than one, yes, sir.
Q. **Merry?**
A. One inmate. Actually, I can save us a lot of trouble. The rest of them are all one inmate.
Q. **All one?**
A. Yes, sir.
Q. **So Miller was the only one that involved more than one inmate, is that ---?**
A. Yes, sir.
Q. **I know that we have a few of these identified or linked to specific inmates. So that it's clear, let me go down the list and perhaps you can identify the name of the inmate that your investigation identified. Langford, I never did get the name of that inmate.**
A. I believe ---
Q. **Are you sure?**
A. No, sir. I don't have it.
Q. **Zimmerman was Lisa ---**
A. Gunnerson (phonetic).
Q. **Gunnerson. Martin Miller, Vasquez was**

one; is that right?
A. Yes, sir.
Q. **And who was the other or ---?**
A. I don't --- I don't remember.
Q. **Officer Merry, do you know the name of the inmate?**
A. Oh, shoot, I can't recall her name at the moment.
Q. **Lisa Stallard?**
A. I know the inmate, I cannot recall her name at this moment.
Q. **Linda Bish?**
A. I don't recall the inmate.
Q. **Mary Hull?**
A. Janice Albright.
Q. **Ron Randolph?**
A. Elizabeth Jones.
Q. **Eicher, I take it, would be Lambert?**
A. Yes, sir.
Q. **And Walton?**
A. I don't recall her name. I know her, I can't recall.
Q. **And Hammers?**
A. I don't recall at all.
Q. **And Lieutenant Mort?**

A. I don't recall that one.
Q. **Were any of the 12 that we reviewed, to your knowledge, 1997 transactions?**
A. Yes, sir.
Q. **And which of the 12 occurred in 1997?**
A. Mary Hull and Ron Randolph.
Q. **And, to the best of your recollection, were any of these 1996?**
A. I don't think so.
Q. **And then the rest --- do you know, and we're going to be able to get the records, but so that I can continue on with the deposition, do you recall which were 1995?**
A. I only have one way I can answer your question, if I'd be permitted to do that?
Q. **Yes, sir.**
A. Nine of these pre-dated Lambert's lawsuit. That was in '9 --- I don't remember that exact date. Was hoping perhaps he might.
Q. **This file of August of 1996. You would have been ---?**
A. Prior to '9 ---.
Q. **You probably would have become aware of the lawsuit sometime --- it would have been after August 20?**

A. I think the time line was the date of the lawsuit.
Q. And you can give me just the last names. Why don't you tell me the three that came up after the lawsuit?
A. I believe it was Marty Miller. I don't have an exact date on that. And then of course in '97 was Hull and Randolph, this year.
Q. Out of the 12, criminal charges were brought against Miller, we know that, don't we? Martin Miller?
A. Yes, sir.
Q. And have criminal charges been brought against --- and we know that Eicher, there were criminal charges against Eicher.
A. Yes, sir.
Q. Paul Walton had criminal charges brought against him, as well; is that correct?
A. Yes, sir.
Q. Any of the others of the 12 have criminal charges brought against them?
A. No, they were handled administratively.
Q. Of the 12, I already know that Langford quit, Zimmerman was fired. And I don't think this is going to be too intrusive for this

purpose. Marty Miller, was he terminated?
A. Yes.
Q. Merry resigned, didn't he?
A. That's correct.
Q. Stallard? Do you recall?
A. No, I don't. I didn't make note of that.
Q. Bish?
A. Nor Bish.
Q. Are they still here or are they no longer here?
A. They're no longer employed.
Q. Mary Hull?
A. She was fired.
Q. Ron Randolph?
A. Resigned.
Q. Hammers?
A. Resigned.
Q. And Mort?
A. Resigned.
Q. Now, I also have learned from records that Hammers, according to the records, was a COT, which means that he was an officer in training; is that correct? I'm not asking you to agree that he was, but does the designation

COT designate an officer in training?
A. I'm not sure whether he was officer or trainee. I couldn't be certain, I can't be certain. He was an officer, where he was in his training, I'm not sure.
Q. My question isn't whether Hammers was an officer in training or not, but does the designation COT mean officer in training?
A. That's Correction's Officer Trainee, correct.
Q. Is a trainee on some sort of a, what do you call that, where they're monitoring his work on a ---

MS. KORMANIC:
Probation?

BY ATTORNEY KRAKOFF:
Q. --- probational --- thank you, on a probationary track?
A. Yes, sir.
Q. And how long are they probationary?
A. For Corrections Officers, one year. Other staff, it's six months.
Q. Do you have a recollection of any of the 12 being trainees at the time of the transactions? Obviously, Mort was a Lieutenant,

so he wasn't a trainee. Do you know whether Eicher was a trainee?
A. No, he was not a trainee. I don't see any others that I would believe were trainees at the time.
Q. And if I wanted to determine how long these employees had worked at Cambridge Springs, you would have records of that, right?
A. Yes, sir.
Q. And if I wanted to find out how long they've been employed with the Department of Corrections, their personnel records would also reflect that?
A. Well, we fix the record, I believe, no, wait. I was answering his question, I didn't answer yours, I'm sorry.
Q. If I want to determine when they started working for the Department of Corrections, somebody in the central office would be ---?
A. We would have a record somewhere of that, yes, sir.
Q. Now, remember you said, I think that I was asking you whether you attributed any factor or factors to the number of incidents of sexual

Page 118

abuse that had occurred. I believe you testified that you thought a factor was that there were a lot of newer employees at the prison. Did you testify to that? Do you recall testifying to that?
A. No, I don't recall. I recall you asking me today if I had a hypothesis on that, and I don't think I responded.
Q. In fact, were a lot of the employees at Cambridge Springs relatively new employees who were in their first or second year, during this period between 1992 and 1994?
A. Yes, sir.
Q. Do you think that that was a contributing factor to the number of sexual abuse incidents that occurred at Cambridge Springs?
ATTORNEY HALLORAN:
I'm going to object to the term sexual abuse incidents that occurred.
BY ATTORNEY KRAKOFF:
Q. Okay, let me ask you this to lay a better foundation. Of the 12 employees who were listed that we've reviewed, do you believe that

Page 119

there is a substantial reason for believing that each of these 12 persons was involved in incidents of sexual abuse with Cambridge Springs women?
ATTORNEY HALLORAN:
Object to the form of the question. The points of the case speak for themselves.
BY ATTORNEY KRAKOFF:
Q. Based upon the information that you received ---,
A. Yes.
Q. --- I take it that you, in the course of your responsibilities, would receive reports either from the Department of Corrections or from investigations conducted there, or from your staff, if they were conducting the investigation, and would be apprised of the information that they had been able to gather with respect to allegations of sexual abuse on the part of the persons who were investigated?
A. Each case was different. They were not all the same. There were different levels of activity. That's why I'm having trouble answering your question.

Page 120

Q. Langford, you already said ---
A. She was not in our custody.
Q. --- you thought there was reason to believe --- I understand that, but that you thought there was reason to believe that, in fact, Langford was living with a parolee; correct?
A. We believed that and she resigned before we could --- to the best of my knowledge or recollection, you know, ---.
Q. Before you could determine it firmly?
A. Right. And we had other cases of that manner. When we started an investigation, people would resign before we had a chance to go the course.
Q. That was your investigations of matters other than sexual ---
A. No, sir.
Q. --- indiscretions?
A. No, sir. They were based on allegations.
Q. You mean people beyond the 12 that you've identified?
A. No. These --- within this list. You asked me a question and putting in the same

Page 121

category and I'm having trouble answering your question because there were some that did not fit your definition of what sexual abuse is and I can't answer affirmative.
Q. Langford. You thought there was reason to believe, at the time she resigned, that she had been living with a parolee?
A. After the inmate was out of our custody, yes, sir.
Q. Zimmerman. You fired the man?
A. Yes, sir.
Q. You apparently had reason to believe that he had been involved in some form of ---
A. Yes, sir.
Q. --- sexual misconduct?
ATTORNEY HALLORAN:
Let him finish the question.
BY ATTORNEY KRAKOFF:
Q. Is that correct?
A. That's correct, yeah.
Q. And what was it that you believed he had done?
A. Hugging, kissing and some groping.
Q. Okay. In his office?
A. That's correct, sir.

Q. But not intercourse?
A. That's correct.
Q. And not any oral sex?
A. No sodomies, no sir.
Q. We'll skip over Miller, in terms of specific facts, but he was terminated so --- did you terminate him or was he terminated by somebody in the central office?
A. I terminated him.
Q. So would it be fair to say that you had reason to believe at the time you terminated him that he had been involved in sexual indiscretions with inmates?

ATTORNEY HALLORAN:
I'm going to object and direct him not to answer that. I think it's very close --- I just don't want to take a chance on doing something that might jeopardize any prosecution.

BY ATTORNEY KRAKOFF:
Q. Okay. Merry, he resigned?
A. Yes, sir.
Q. At the time of his resignation, did you believe that he had been involved in sexual indiscretions?

A. No, sir. Meaning intercourse or ---.
Q. No, meaning activities --- let me ask it this way. What was it that you had gathered through investigations conducted, either in the central office or here at Cambridge Spring, Merry had done?
A. Kissing and hugging.
Q. And where had this kissing and hugging occurred, inside of a building or ---?
A. I don't recall any details.
Q. Now, at the time he resigned, had there been an investigation begun?
A. Yes, sir.
Q. Had that investigation been concluded?
A. I don't recall what stage it was in.
Q. Had you formed an opinion as to whether Merry appeared to have engaged in hugging and kissing of an inmate?
A. I believe he was involved with hugging and kissing an inmate.
Q. Now, Lisa Stallard, what was it that she had allegedly done?
A. She was seeing an inmate that was released from our institution and was housed at a community correction center in Pittsburgh.

That inmate was not in our custody. That did not happen on grounds.
Q. Right. I don't recall, did she resign?
A. I don't recall. I didn't make a note. There was one of ---
Q. Had this been investigated?
A. Yes, it was.
Q. Had you formed an opinion as to whether she appeared to have done what she allegedly did? Do you think she had done it?
A. Yes.
Q. Do you know what Linda Bish had allegedly done?
A. Hugging and kissing in our dietary department.
Q. With another inmate?
A. Yes.
Q. I meant with an inmate.
A. Yeah, right.
Q. Was this investigated, to your knowledge?
A. I don't remember the investi --- I believe --- all I can testify to is that I believe it was investigated, yeah. I don't recall the details.

Q. Do you believe that Bish had engaged in hugging and kissing with an inmate?
A. Yes.
Q. Mary Hull? Do you recall what Mary Hull had allegedly done?
A. Yes.
Q. And what was that?
A. Sending love notes to an inmate.
Q. But nothing of a physical sexual nature?
A. No, sir.
Q. And had you reached a conclusion about whether it appeared that Mary Hull had, in deed, sent love notes to an inmate?
A. Well we had a copy of one. And that was the reason for discharge.
Q. Okay. So the answer is yes?
A. Yes.
Q. Ron Randolph? What was the nature of his alleged involvement with Elizabeth Jones?
A. She had sent him letters or notes of a romantic nature and he failed to report that.
Q. Nothing of a physical nature?
A. No, sir, no evidence of that.
Q. Do you know whether there were

Page 126

allegations of a physical relationship between
the two?
A. I don't believe so.
Q. And so the failure to report the fact
that somebody had received a letter in the
nature of a love letter from an inmate would be,
that would be grounds for discipline?
A. Yes, sir, serious grounds.
Q. Is that grounds for discharge?
A. Yes, sir, we've done it.
Q. James Eicher?
A. Yes.
Q. Do you have reason to believe that he
had engaged in intercourse and oral sex with
Lisa Lambert; is that right?
A. That's correct.
Q. You reached that conclusion at the time
of his termination; is that correct?
A. That's correct.
Q. Paul Walton, do you recall what the
nature of his situation was?
A. I can't remember --- I can't remember
all the details of that one. Wait, wait, wait,
let me back up. I was thinking of the wrong
case. There was --- we charged him, like I say

Page 127

I was looking at the wrong case. I was getting
names mixed up. He was charged with having oral
sex with an inmate assigned to the food service.
Q. And that occurred in that area,
correct, in the basement, or ---?
A. Actually, it was --- inmate stated it
was in a freezer.
Q. Were inmates allowed to be in the
freezer with personnel under the policy of the
prison?
A. They should not have been in there, one
on one.
Q. Is that right?
A. That's correct. Our people are
instructed to not put themselves in compromising
positions and to go with multiple inmates and
never be in an isolated situation. They're
instructed to do that.
Q. Who is?
A. All of our employees.
Q. You didn't mention that this morning,
did you?
A. You were asking for written
documentation.
Q. Okay.

Page 128

A. In talking about how our training goes,
and ---.
Q. And that's not in a written document,
that's a ---?
A. It may be, I don't recall. I don't
know for sure. I know our people are repeatedly
instructed to never place themselves in a
compromising situation. There have also been
cases we have investigated where the inmates
have later turned around and said that they
fabricated charges because they were upset with
staff members.
Q. Written charges?
A. Pardon me?
Q. Written charges? You said
investigated.
A. These through investigations, yes, sir.
Q. Right.
A. Yes, sir.
Q. But the charges would have to come in
the form some sort of an inmate request to
staff, or a grievance?
A. Or they make a complaint in some manner
to someone.
Q. One of the things that I requested in

Page 129

the course of pre-trial discovery were
grievances --- I'll turn to the section and now
would be a good opportunity. Number 11 of the
first Request for Production of Documents, asks
for all inmate complaints, grievances, recorded
statements, affidavits and other such documents
related to alleged sexual abuse, harassment, or
exploitation of Cambridge Springs inmates by
prison personnel. And the only complaints that
I found were within the framework --- they
weren't really inmate grievances, as such. I
think there was one inmate request for staff
contained in a couple of the matters that were
investigated. Do you know whether anybody at
the institution, after receiving the Request for
Production of Documents, attempted to look
through inmate complaints, dating back to 1992,
grievances?
A. I believe that was done.
Q. Do you know who did that?
A. My administrative assistant, Mr. Barr.
He handles my litigation internally, request for
documentation, and so forth.
Q. Can you make sure that that has
occurred because I didn't receive a single

inmate grievance, where the inmate was complaining about some form of sexual abuse, harassment.
A. Well, a grievance can either be written or verbal. It doesn't have to be written in a formal manner.
Q. But isn't there a grievance officer?
A. Yes, sir. My administrative assistant.
Q. And isn't there a grievance form that an inmate is ---
A. That's correct.
Q. Do you know if the grievances for a four year, actually it's almost a five year period now, to see whether there are inmate grievances complaining about some form of sexual harassment or abuse or exploitation?
A. I assume that was done.
Q. But you don't know.
A. I didn't do it myself, personally, no.
Q. Did anybody tell you that it had been done?
A. I was told that the information that was requested through the Court was prepared and sent to the parties.
Q. In general?

A. Yes, sir.
Q. What I'd like to do is to see whether that can be followed up and whether we can pin down whether that was done or not because, and this isn't testimony, I'm just telling you what my thought process is. I'm surprised in a five year period there wouldn't have been a single written inmate grievance in the nature of some sort of sexual abuse or sexual harassment. And that's what leads me to conclude that maybe that hasn't been gathered. In terms of inmate requests for staff, are those kept in some sort of a separate folder, or would one have to look through the inmate, specific inmate's, institutional records to find those?
A. We don't keep each and every request on file. Some are thrown away, routine things like that. If somebody --- we just don't keep those things.
Q. Well, what I'd like to find out is whether --- if inmate requests staff, alleging something involving sexual harassment or abuse or exploitation, whether those are in any way are ---
A. That would, if that was turned into our

staff and we received it, absolutely, that would be kept as part of the complaint, yes, sir. A lot of these requests, inmate requests, there's a section on the bottom for our response. A lot of these are returned back to the inmate and there's no permanent record of that.
Q. Right, right. But I would imagine that if an inmate complains about sexual abuse or exploitation, that somebody is going to make a copy of that.
A. Oh, absolutely, yes, sir. Yes, sir.
Q. And finally, in terms of incident reports or extraordinary incidents, I know that in a number of the state prisons that I've been involved in litigation with, they keep incident reports, you know, by the month or by the year, and the same with extraordinary incident reports. Do you know whether if an inmate complained to an officer, and I saw one example of that which I'm going to question you about later, if an officer is told by an inmate, so and so has been abusing me or harassing me in a sexual way, that would be written up, or it's supposed to be recorded in an extraordinary incident report?

A. Yes, sir, it should be.
Q. And the extraordinary incident reports, are those compiled like on a monthly basis?
A. Chronologically, yes.
Q. Chronologically. And do you know whether anybody's gone through those to see whether there are extraordinary incident reports that have been systematically reviewed for this time period, to see whether they contained information related to alleged sexual abuse?

ATTORNEY HALLORAN:

Let me object to the form of the question. I don't think there's any such thing as an extraordinary incident report.

BY ATTORNEY KRAKOFF:

Q. Extraordinary occurrence report.
A. Extraordinary occurrence report.
Q. Right, thank you. Would it be in an extraordinary occurrence report?
A. That's proper terminology.
Q. And do you know whether anybody has looked through the extraordinary occurrence reports between 1992 and, at least the time of the request, to see whether such reports exist

where inmates have alleged abuse? Do you know whether anybody's done that?
A. Well, that would be my same answer as to inmate requests. I was told that this information had been done. I didn't do it myself.
Q. What I'd like to do is see if we can confirm that. Now, during the course of pre-trial discovery, I was given a copy of a document. It's an extraordinary occurrence report; it's a three-page document. The first is the report, itself, bearing the name of Jay Metzger (phonetic), it's to Deputy Kormanic. You know, if you'd like --- I don't know whether you have a copy of this with you. It might make sense if we can just run this off so you can refer to it, it'll be easier.

ATTORNEY HALLORAN:
Did you get that this morning?
ATTORNEY KRAKOFF:
No. I had this. I was going to have this as an exhibit.

BY ATTORNEY KRAKOFF:
Q. And then there's a list, a two-page list concerning allegations. This was

information that apparently Lisa Lambert and a confidential source provided to Officer Metzger. Do you recall ever having seen this document before?
A. No.
Q. On the top you'll see, it says cc, and there's one name. Do you recognize that name?
A. That's --- at that time that would be my intelligence captain. Captain Lazenby would be referred to his investigative office.
Q. And then under that it says, Supt.
A. Superintendent.
Q. That would be you.
A. That's correct.
Q. Do you recognize the handwriting?
A. It appears to be that of Deputy Kormanic.
Q. And then you see it says, place Lambert file. Do you have any idea at all, I'll ask Deputy Kormanic this when I take her deposition, do you have any idea whether there was a Lambert file or what that file consisted of, the nature of the file?
A. You'd probably have to ask what kind of file she file. I don't know exactly what kind

of file she had.
Q. I'm not going to ask you what Deputy Kormanic meant by Lambert file, but I am asking you whether you're aware of any file that was maintained on Lisa Lambert, other than her ordinary institutional file? Every inmate who's in here has an institutional file; is that correct?
A. That's correct.
Q. Do you know whether there was another file that was maintained for Lisa Lambert?
A. Yes.
Q. And what was the nature of that file?
A. There ---.

ATTORNEY HALLORAN:
If you know the answer.

A. I'll tell you what should be. Do I know for sure it's there or right there, now at this moment, I don't know. I can tell you what should have been.

BY ATTORNEY KRAKOFF:
Q. Have you seen a file that was maintained on Lisa Lambert other than her regular institutional file?
A. Yes.

Q. And will you describe what information, the kinds of information that was contained in the file?

ATTORNEY HALLORAN:
He's not asking you to disclose any files kept for the purpose of litigation to my understanding.
ATTORNEY KRAKOFF:
That's right.
ATTORNEY HALLORAN:
This is a file that would have been in existence prior to the date of the litigations.
ATTORNEY KRAKOFF:
Exactly ---.

A. Prior to the --- yes.

BY ATTORNEY KRAKOFF:
Q. That's what I'm talking about, okay.
A. Okay.
Q. What was contained in that file?
A. Well, there should have been a --- I believe Deputy Kormanic had a file. Our intelligence officer, captain, should have a file, and I kept a file.
Q. The intelligence captain was --- how

Page 138

did he spell his name?
A. L-A-Z-E-N-B-Y.
Q. B-Y?
A. B-Y, right, Lazenby. And prior to that it was Captain Bartlett.
Q. And is your information that Captain Bartlett also had a file for Lisa Lambert.
A. I believe as the intelligence captain he had a file of investigative information and that would have been transferred to Captain Lazenby when Captain Lazenby assumed those duties. I don't think they had two separate files.
Q. Did you ever review Deputy Kormanic's file on Lisa Lambert?
A. No.
Q. Do you know what was contained in Deputy Kormanic's Lisa Lambert file?
A. No.
Q. Did you ever review Captain Lazenby's file on Lisa Lambert?
A. No.
Q. What about Captain, if he had it, Captain Bartlett, or if he was Lieutenant Bartlett at the time. Did you ever see his file

Page 139

on Lisa Lambert?
A. No. I might have seen it laying on a desk or something. Did I review it, no, sir.
Q. How do you know that Deputy Kormanic maintained a file on Lisa Lambert?
A. She was a very high profile case. There were a lot of --- there were a number of investigations that were conducted regarding that inmate.
Q. Did Deputy Kormanic ever express to you her views about Lisa Lambert's credibility?
A. Yes.
Q. And what did she tell you?
A. We believe she has habitually lied.
Q. And by we, you also believe that she has habitually lied?
A. Many times to us, yes, sir.
Q. Do you believe that she habitually lied when she related that CO Eicher engaged in sexual acts with her?

ATTORNEY HALLORAN:

Objection. There's nothing in the record to indicate that Lisa Lambert indicated to them or when that she and Eicher did engage in sexual

Page 140

activities.

ATTORNEY KRAKOFF:

Well, why don't you look at the second page of Metzger?

ATTORNEY HALLORAN:

Are you referring to that document when you asked that question?

ATTORNEY KRAKOFF:

Well, among others. This is one.

ATTORNEY HALLORAN:

In reference to this document dated May 6th, 1995.

BY ATTORNEY KRAKOFF:

Q. You'll see the entry, CO Eicher allegedly had contact with L. Lambert, October 10, 1994, upstairs in Alliance Hall, doing creams and things, and it goes on from there.
A. In May 24th of '95, the special investigation office reopened the Eicher case based upon the institution's request that Lisa was forthcoming with critical information pertinent to the investigation.
Q. Well, do you think she was lying when she told Officer Metzger, made these allegations

Page 141

to Officer ---
A. Like I say, I don't have any recollection of that. I can't address this document. There were ---
Q. Well, are you aware of the fact that Eicher was convicted of having most, if not all, of these sexual encounters with Lisa Lambert?
A. Yes, I am aware of that based upon our investigation.
Q. And is it your conclusion that the criminal conviction was erroneous?
A. No. That's different than asking if she was lying to Officer Metzger. There's a lot of stuff in there that the wasn't convicted of.
Q. Well, I'm talking about whether you thought she was lying to Officer Metzger about CO Eicher's involvement with her?
A. To tell you the truth, I didn't read the whole thing.
Q. Why don't you read it. Right here, CO Eicher, I'll read it out loud, allegedly had contact with L. Lambert, OV 64/16, October 10, 1994, upstairs, Alliance Hall during creams and things. Further episodes supposedly occurred in January, 1994, in the elevator in Curry Hall,

March, 1994, the music practice room in Curry Hall, April 7th, in the field house yard, in the Curry Hall second floor bathroom during open rec. Do you believe she lied about that?

A. Each and every allegation there, I don't know.

Q. **Well, which of the allegations do you think she lied about in this?**

A. The one that I'm aware of from the --- from Court was having sex in the music room.

ATTORNEY HALLORAN:

Wait, wait. His question was which allegations did he lie about? Did she lie about ---.

A. I really don't know for sure.

ATTORNEY HALLORAN:

The one that you recall being truthful is the one that you just spoke of.

A. Yes, that was my intended answer.

BY ATTORNEY KRAKOFF:

Q. **So as you sit here today, you don't have an opinion about Lisa Lambert lying about the things that she said about CO Eicher, in connection with her, on October 10th, on March**

of '94, on April 7th, et cetera.

ATTORNEY HALLORAN:

In the document dated May 6th, 1995.

ATTORNEY KRAKOFF:

Right.

A. I believe, subsequent to May 24th, 1995,
that her allegations regarding Officer Eicher were accurate. There were many times prior to that she had repeatedly denied those contacts. The time was important. One time I ---

BY ATTORNEY KRAKOFF:

Q. **That's why I was asking you about what she said --- what was attributed to her by Officer Metzger in this document. Okay? Did you reach a conclusion about whether Lisa Lambert, and I'm going to go into this in further detail down the line, about having been filmed, videotaped and photographed while naked in the RHU?**

A. No, that was truthful. Oh, wait, wait. I was thinking --- I --- could you repeat that again?

Q. **Lisa Lambert has alleged that she was**

photographed and videotaped while she was naked after she returned from her Court appearance outside the prison. Do you recall those allegations in the complaint?

A. Yes, I do.

Q. **Is it your impression that she lied about that?**

A. I don't believe she was photographed naked, that she was clothed in undergarments, bra and panties. And she was videotaped as she was admitted to the RHU.

Q. **But not while she was either naked or in her panties and bra; is that correct?**

A. The videotape, I'm not sure. I didn't --- I didn't review that one.

Q. **Have you reviewed the photographs?**

A. No, I did not.

Q. **So you don't know what the photographs reflect --- first-hand?**

A. No. Not first-hand, because I do not want to come into contact with those unless they become part of litigation. Then I'm certainly going to --- before we go to Court --- as preparing for litigation, I will, I will have to review them.

Q. **Well, do you know where the photographs are as we sit here today, in whose possession?**

A. Deputy Kormanic's, I believe.

Q. **And what about the videotape?**

A. Deputy Kormanic.

Q. **That was something else that we had requested in our second Request for Production of Documents, haven't received them. What I'd like while I'm here is an opportunity to view the photographs. There are eight of them, as I understand? Is that your understanding?**

A. I don't know how many. Deputy Kormanic, being a female, is the custodian of that information.

Q. **I would like to have a copy, or at least to view, the videotape. Now, what is your practice when you receive report of extraordinary occurrence that has been cc'd to you? Is it your practice to review it? Is it your practice to file it without reviewing it? Is it something other than those two alternatives? What is your ordinary practice?**

A. Maybe both. If I'm out of town, away, I may not see it. I would --- this one here, I have no recollection of so I'm not sure what was

Page 146

done with it. I don't know.
Q. Well, would you agree, looking at the two pages of information provided or attached to the extraordinary occurrence report, that these are pretty serious allegations?
ATTORNEY HALLORAN:
Objection. The document speaks for itself.
BY ATTORNEY KRAKOFF:
Q. Well, no, I want to know how you would view allegations like this, you ---
A. Serious.
Q. These are serious in your mind, correct?
A. That's true.
Q. You have no recollection, then, until today, of ever seeing this document?
A. That's what I testified to, yes.
Q. And do you have any recollection of having discussed this document with either Deputy Kormanic or Officer Metzger?
A. Since I've never --- since I don't recall seeing it, it would be hard for me to remember I did it.
Q. Well, I mean, she could have --- Deputy

Page 147

Kormanic could have said, I received a document from Officer Metzger where Office Metzger reports that there are allegations made by Lisa Lambert and a confidential source about sexual improprieties on the part of several of your officers. Even though you didn't see the document, Deputy Kormanic could have made reference to that document, correct?
A. Correct.
Q. Do you have any recollection of that?
A. No, that's what I'm trying to say.
Q. Of ever discussing the substance of this document; is that correct?
A. That's correct.
Q. And, do you know who Officer Metzger is?
A. Yes.
Q. And what is Officer Metzger's first name?
A. I can't recall.
Q. Is Officer Metzger a man or a woman?
A. Woman.
Q. And do you have your Lambert file here with you today?
A. No, sir, I do not.

Page 148

Q. Is it in your office, on the grounds?
A. It may be in my office or a conference room.
Q. Okay.
A. It's on the grounds.
Q. What I'd like to do is to have you obtain the file and see whether this document is in there. Is there some way that your secretary or somebody can bring the file over? I don't know where your office --- your office is in the main building.
A. Do you think I should do it?
ATTORNEY KRAKOFF:
Do you have a problem with that, Tom?
ATTORNEY HALLORAN:
Yeah, because it's going to take him a long ---.
ATTORNEY KRAKOFF:
Well, no. I would want to continue questioning. It would be just be a matter of, in the meantime, just asking his secretary to bring the file over. Because I would like to, you know, just question him about the file.

Page 149

ATTORNEY HALLORAN:
We're not going to open the file to you today. I'm going to review the file and see if we can comply with your request.
ATTORNEY KRAKOFF:
Well, I'd like to specifically ask whether this document is in there ---?
BY ATTORNEY KRAKOFF:
Q. Have you reviewed your file prior to this deposition?
A. Yes.
Q. And how recently did you review it?
A. Friday.
Q. And you didn't see this document in your file?
A. No, sir, I don't recall seeing it.
Q. Can we just have the file brought over to see if it is there? Is that a problem.
ATTORNEY HALLORAN:
I'm going to call the secretary to bring the file over.
MS. KORMANIC:
If you want me to, I can walk

Page 150

over there and ---.

ATTORNEY HALLORAN:

Okay, you want to do that?

BY ATTORNEY KRAKOFF:

Q. Let me show you --- do you recall receiving any other extraordinary occurrence reports which reflected allegations of sexual misconduct by an officer toward an inmate?

A. I can't remember specifically, no, sir.

Q. What was Deputy Kormanic's role, if any, in connection with either the investigation of allegations of sexual abuse against inmates by personnel, or the monitoring of complaints of such investigations. Did she have any role? Did she play a role?

A. She was aware --- I'm not sure exactly what type of role, I can't recall every detailed conversation. .I mean, there were six investigations related to this inmate.

Q. You started getting complaints and allegations from persons resigning, persons being fired, because of sexual indiscretions. Was somebody here given the responsibility to be the point person for kind of the overview of these developments, coordinating activities,

Page 151

collecting data and information.

A. The intelligence officer would report to me.

Q. So you were the person who was to receive the information primarily?

A. That's correct.

Q. Well, here the intelligence captain got a copy of this extraordinary occurrence report from Metzger, Deputy Kormanic received the report, itself, and you were cc'd on it, according to the notes.

ATTORNEY HALLORAN:

I'm going to object to the form of the question. CC does not indicate that it was received by the Superintendent or Lazenby on the date of the extraordinary occurrence.

BY ATTORNEY KRAKOFF:

Q. Well, I'm not talking about on the date of the extraordinary occurrence. The cc indicates that at some point, you and Lazenby received a copy of this report. You have no recollection of it, correct?

A. I receive hundreds of reports. I have no recollection of that particular one.

Page 152

Q. You don't receive hundreds of reports, do you, of sexual --- alleged sexual indiscretions by one, two, three, four, five, six, seven, eight, nine, ten different employees, do you?

A. I don't recall.

ATTORNEY HALLORAN:

His first question is, you don't receive hundreds of reports like this?

A. No, sir.

ATTORNEY HALLORAN:

And you still have no recollection of seeing that?

A. I have no recollection of seeing that.

BY ATTORNEY KRAKOFF:

Q. Do you recall Lazenby, who's supposed to be reporting to you on developments in this area of allegations of sexual abuse; correct?

A. That's correct.

Q. Do you recall him saying to you at any point after the 6th of May, 1995, Superintendent Wolfe, I have an extraordinary occurrence report that was given --- copy of a report that was to me by Deputy Kormanic and in it Lisa Lambert and

Page 153

a confidential source are alleging that a number of officers and other personnel have engaged in sexual improprieties with inmates?

A. I do not recall that report.

Q. No, I'm not asking you whether you recall the report. I'm asking you whether Lazenby, after the 6th of May, came to you and said I'd like to talk with you about allegations involving Montano, Merry, Rogers, Coffee, Free, Young, Stewart, Beck, Scmidt, either one or all of those persons?

A. I don't recall him discussing this report. He came to me saying there was information. And that was why we reopened the Eicher case. I don't remember this specific report. I don't how else to answer that.

Q. What information did Officer Lazenby come to you --- what did he tell you and when did he tell you?

A. It was around or about the beginning or the middle of May.

Q. All right. And he came ---.

ATTORNEY HALLORAN:

What year?

A. Of '95.

ATTORNEY HALLORAN:
All right.
BY ATTORNEY KRAKOFF:
Q. And he came to you; is that correct?
A. Well, I presume he did.
Q. Well, the two of you got together.
A. There were a number of discussions.
Q. And what did he --- I'd like you to summarize the substance of what he told you in connection with the issue of the sexual abuse of --- the alleged sexual abuse of inmates.
A. I don't remember the exact details of the conversation. It went something to the effect, it was brought to my attention that Lisa Lambert is now willing to cooperate with us in the Eicher investigation. She was providing information and a lot of the information that she had was in the custody of her attorney. He was the keeper of it.
Q. Uh-huh (yes). About Eicher?
A. About Eicher, yes, sir.
Q. Did he also tell you that Lisa Lambert and/or another inmate, who's identified in this document as a confidential source ---. Let me ask you that so that we can clarify that.

ATTORNEY HALLORAN:
Let me object to the form of the question because I don't think it's clear yet that there are two inmates.
BY ATTORNEY KRAKOFF:
Q. Okay, all right. Let's clarify that. It identifies Lisa Lambert and then it says in parentheses, confidential source. In the language of this prison, would that indicate that Lisa Lambert is the confidential source or that Lisa Lambert and another person was the confidential source that provided the information?
A. I don't know the intention of the author of that letter. I don't know, no, sir. It could mean either.
Q. All right. I'll have to ask Metzger. Are you aware of Lazenby saying to you that Lisa Lambert was making allegations of not only Eicher's involvement, but that Lisa Lambert had identified other officers who either had been involved in sexual activities with her or with other inmates?
A. I don't recall.
Q. So it's entirely possible that the

scope of what Lazenby told you was just limited to Lisa Lambert is willing to now come forward and provide information about Eicher in connection with activities between Eicher and her; is that correct?
ATTORNEY HALLORAN:
Objection. He testified he doesn't recall.
BY ATTORNEY KRAKOFF:
Q. Let me take you through this and then I'll see whether you can recall.
ATTORNEY HALLORAN:
Let me make --- I think you already asked him these questions. I think you're wasting your time but if you want to do it, go ahead.
BY ATTORNEY KRAKOFF:
Q. An allegation CO Eicher allegedly had physical contact with inmate, E. Jones in late October or early November, 1993, during open rec at Curry Hall.
ATTORNEY HALLORAN:
Do you have any recollection of that allegation other than ---?
A. No, sir. I previously answered that,

yeah.
BY ATTORNEY KRAKOFF:
Q. CO Eicher allegedly had contact with E. Masonette and H. Masonette in Autumn of 1993. Do you recall ever having heard that allegation?
A. I don't recall.
Q. You don't recall whether you have ever heard it, or you have no recollection of ever having heard it?
A. What's the difference?
Q. Well, one can mean that you can't recall anything. The other is you don't know whether ---.
A. I can't recall anything about that, no.
Q. He doesn't recall ever having heard about it.
ATTORNEY HALLORAN:
His testimony is that he never even heard of the allegations.
A. Right. That's what I mean.
BY ATTORNEY KRAKOFF:
Q. What about CO Eicher allegedly having contact with inmate P. Hoover in late 1993 in the field house, at the yard and basement of Curry Hall. Is this the first that you've heard

Page 158

of this allegation?
A. I don't recall. I would have to check records.
Q. As you sit here today, do you have any recollection, prior to my showing you this document, of having heard allegations that Eicher and Hoover had allegedly had contact in the fieldhouse at the yard and the basement at Curry Hall?
A. I don't recall.
Q. You have no recollect ---?
A. I have no recollection of that.
Q. Then, what about CO Eicher allegedly had contact with Lambert, you remember all of these allegations? Those you had heard ---
A. Yes, sir.
Q. --- around this time?
A. Yes, sir.
Q. Meaning around May of 1995; is that correct?
A. Right. And it's detail I don't recall.
Q. Montano allegedly having physical contact in the music practice room in January of 1994 with Lambert. Prior to today, do you ever have --- have you ever heard that allegation?

Page 159

A. I don't recall. It's a new one on me.
Q. What about CO Merry allegedly having contact with an inmate by the name of Binam in the basement of Curry Hall in late 1992, into 1993?
A. I don't recall.
Q. And then Rogers allegedly having contact ---?
A. Oh, I do recall other allegations. But I'm answering his ---.
Q. Not about Binam, though?
A. That's correct. Right, to answer his question.
Q. Merry was somebody else?
A. Yes, sir.
Q. And then Rogers allegedly having contact with inmate Lambert in the music practice room in January of '94 with Eicher present. Until today, have you ever heard that allegation?
A. I don't recall, no.
Q. And then, Coffee allegedly having contact with Diaz in early 1994 while the asbestos abatement was occurring in Luder One. Prior to today, have you ever heard that

Page 160

allegation?
A. I don't recall.
Q. You have no recollection, that means, of ever having heard of that.

ATTORNEY HALLORAN:

No, it means he doesn't recall. It means if they didn't report it, it doesn't reflect if he's under investigation.

A. That's correct, that's what I'm ---.

BY ATTORNEY KRAKOFF:

Q. As you sit here today you cannot --- if I were to say to you, did you ever receive a report from Coffee, alleging --- I'm sorry, from Metzer alleging that Coffee had contact with Diaz in early 1994, you'd have to say, to the best of your recollection, you never heard that before; is that right?
A. That's correct. This may have been investigated and I may not --- it may have been. If my intelligence captain was around, I would be able to find out.
Q. And what about Free, CO Free allegedly having limited contact with inmate Jafka in the weight room of the aerobics studio and the music

Page 161

practice room in the summer of 1994. Prior to today, to the best of your recollection, you never heard that allegation before?
A. I don't recall.
Q. Is that correct, though, to the best of your recollection, you've never heard that before? To the best of your recollection?
A. To the best of my recollection.
Q. Maintenance, W. Young, allegedly having contact with Jafka between June and August of '94 at work sites, including Luder in the boiler room on Saturday. Supposedly an intact condom was lost on Luder Four during one such occasion. As you sit here today, to be the best of your recollection, you have never heard that before?
A. Would you restate that. I was distracted with the Captain Young.
Q. Young allegedly having contact with Jafka between June and August of '94 at worksite, include Luder boiler room on a Saturday. Supposedly, an intact condom was lost on Luder Four during one such occasion.
A. I don't recall.
Q. And then Stewart, you know what FS means?

A. Food Service manager.
Q. Do you recall --- I think when I asked you before ---?
A. We called him M. Stewart.
Q. What is Stewart's first name?
A. Harry.
Q. Do you recall allegations being made that he had had contact with an inmate by the name of Dibello, in the dietary office?
A. No, I don't recall.
Q. What about CO Beck allegedly having contact with inmate Dibello in the chaplain's office in Curry Hall in Autumn of '93?
A. I don't recall.
Q. And Schmidt allegedly having contact with Lambert in June of '94, between June and October of '94, supposedly sent a letter at the end of January to the institution. As you sit here today, to the best of your recollection, you've never heard that before?
A. That's correct, sir.
Q. Who's Lieutenant Foster? Lieutenant Foster is referred to under the actions taken section of this extraordinary occurrence report?
A. She's a lieutenant.

Q. And what were her functions in connection with the institution? Did she have a specific responsibility? Was she a shift commander or ---?
A. Probably a shift lieutenant at that time. She was a shift lieutenant.
Q. Are you aware of anybody from Deputy Kormanic on down interviewing Eicher about any of the allegations of sexual indiscretions that are contained in this May 6th, 1995 extraordinary occurrence report, with the exception of Eicher and Lisa Lambert? Are you aware of anybody at Cambridge Springs from Deputy Kormanic on down questioning Eicher about any of the other allegations?
A. You totally got me confused now.
Q. Eicher --- we know that Eicher was questioned about his alleged involvement with Lisa Lambert; correct?
A. Correct.
Q. And he was questioned by the central office of the Department of Corrections?
A. He was interviewed prior to that.
Q. By your staff?
A. Yes, sir, back in '94. Back in May of

'94 related to the Luder Four incident, we received information that --- I'm sorry. It was in --- I was looking at the wrong page --- in early April of '94.
Q. That was around the time ---?
A. Mr. Eicher was investigated regarding possible sexual misconduct with inmate Lambert.
Q. Misconduct that might have occurred at the time of that incident in Luder?
A. Yes, sir.
Q. Are you aware of anybody, at the institutional level, questioning Eicher about his alleged physical contact with E. Jones, E. Masonette, H. Masonette, P. Hoover?

ATTORNEY HALLORAN:
Sorry, was this in regard to Eicher?

BY ATTORNEY KRAKOFF:
Q. Eicher.
A. Oh, in regard to Eicher?
Q. Yes.
A. No, I don't have any recollection of that. It may have occurred but I don't have any recollection of it.
Q. Are you aware of anybody at the

Department of Correction level, the office of --- what is that called, the office of Special Services?
A. Well, the Special Services is the only office of professional responsibility. That has changed recently.
Q. I'll refer to it as the central office. Are you aware of anybody at the central office questioning Eicher about any alleged sexual involvement with Jones, the Masonette sisters, Hoover?
A. I don't believe so, I don't recall.
Q. What about Office Montano? Is he still an employee with the prison, to your knowledge?
A. Yes, he is.
Q. And what is his rank?
A. He's a sergeant.
Q. And are you aware of Montano being questioned by anybody on the prison level about having alleged physical contact with Lisa Lambert?
A. I don't recall, I don't believe so.
Q. You're not aware of it; is that correct?
A. That's correct.

Page 166

Q. And what about on the central office level? You're not aware of that either?
A. No, sir.
Q. What about Officer Merry, his alleged contact with Binam. Are you aware of anybody from Deputy Kormanic on down questioning Merry?
A. Regarding Binam?
Q. Yes.
A. No, I don't recall.
Q. And the same with the central office; is that correct?
A. That's correct.
Q. And then Rogers and Lambert? Are you aware of anybody either at the prison level or the central office level, questioning Rogers about his alleged contact with Lambert in the music practice room?
A. I don't believe so.
Q. Is Officer Rogers still here?
A. No.
Q. What was his rank when he left?
A. He was a lieutenant.
Q. And do you know why he's --- how did he leave, did he resign or did he quit, do you know?

Page 167

A. He took a demotion and ---.
Q. He was demoted?
A. He took a demotion, a voluntary demotion.
Q. I don't understand. He wanted to be demoted? And went somewhere else?
A. That's correct, to another institution.
Q. What about Officer Coffee, what was his --- is he still here?
A. Yes.
Q. What is his rank?
A. He's a sergeant.
Q. The same question as to him. Are you aware of anybody either at the institutional level or the central office level questioning Officer Coffee about the Diaz situation?
A. I don't recall.
Q. Officer Free and Jafka? Are you aware of any questioning of Officer Free at the prison level or at the central office level?
A. I don't recall.
Q. Would that be the same with Young, Stewart, Beck and Schmidt, would your answer be the same?
A. Schmidt was in relationship to whom?

Page 168

Q. Lambert.
A. My answer would be the same.
Q. Are you aware of Schmidt being questioned about any other alleged sexual involvement with inmates?
A. I do not have a detailed recollection. I have a vague recollection that he had been investigated regarding something of that sort. I would have to look again at the records.
Q. Okay. I don't think I have that, either. I think that --- and I take it, without repeating each one of these, I think you're generally familiar who the inmates were, beginning with Masonette, Jones and Masonette, et cetera. I take it that you're not aware of anybody at the prison level or the central office level questioning any of those inmates about the possibility that they had sexual --- contact of a sexual nature with the officers in question?
A. I don't recall, they may have.
Q. But you have no knowledge of that?
A. With that recollection of that report, no, sir.
Q. So you're not able to help me in terms

Page 169

of telling me whether Metzger's --- after Metzger's report was apparently passed on by the lieutenant. Is it your understanding Lieutenant Foster would have passed this on? I can't understand ---?
A. To Deputy Kormanic.
Q. Foster would have passed it on to Kormanic?
A. Yes, sir. And then she distributes copies to our office.
Q. And you're not able to tell me whether --- what, if anything, ever happened in response to these allegations; is that right?
A. I don't recall, yes, sir.

ATTORNEY KRAKOFF:
Was that report in there --- the memo in there?

ATTORNEY HALLORAN:
No. Do you want to ---?

BY ATTORNEY KRAKOFF:
Q. Were you on vacation during May of 1995?
A. I go out on vacation.
Q. Do you know whether you were away from the prison for any period of time, whether you

Page 170

were off because of illness or disability or conference, or any other matter at or around May 6th, 1995 and for the next week or two?
A. I don't recall where I was, sir, at that time.
Q. You would have a way, if I put that to you in an interrogatory, you would have a way of reconstructing, because you indicated that sometimes when you're away, I believe you said that that your, the extraordinary occurrence reports will be filed and not held for you to review; is that correct?
A. That's correct, if I'm out of the office.
Q. Aren't you concerned that you're going to miss something important under that practice where if you happen to be away for two or three days or a week, that a report might end up in your file --- filed away, rather than your reviewing it?
A. One of that importance should be maintained, if I was away.
ATTORNEY KRAKOFF:
I guess I can just make a request that the Superintendent review

Page 171

the Lambert file to see whether there's anything in there that was not turned over as part of discovery, okay?
ATTORNEY HALLORAN:
That's fine.
BY ATTORNEY KRAKOFF:
Q. Do you know whether Ms. Wolfgang (phonetic) --- obviously, I don't know how, whether you had any meetings with her about this, but do you know whether Ms. Wolfgang had any interview notes of discussions she had with Lisa Lambert? Have you ascertained that?
A. Would you ask the question again, sir?
Q. Ms. Wolfgang is the psychologist at the prison?
A. Correct, sir.
Q. And do you know whether Ms. Wolfgang had any interview notes that she took during her encounters with Lisa --- during her professional encounters with Lisa Lambert?
A. I know of one occasion.
ATTORNEY HALLORAN:
Do you know of an occasion that you received an extraordinary occurrence report, or do you know of an

Page 172

occasion where Ms. Wolfgang kept personal notes?
A. I'm referring to an extraordinary occurrence report, not her case notes, no.
BY ATTORNEY KRAKOFF:
Q. What I'm talking about would be like Ms. Wolfgang is sitting across from Lisa Lambert. I know from discovery that Ms. Wolfgang saw Lisa Lambert on seven or eight occasions, somewhere roughly that number of times. I know that I requested copies of her interview notes, if they existed, of those encounters. And I know that I didn't receive any notes. And what I wanted to know is whether you have confirmed whether Ms. Wolfgang took notes when she met with ---?
A. I don't know that. I was referring to her EO, since I'm not aware of any other notes. I was assuming that you were referring to the EO she filed.
Q. Now, the information I have received is that it wasn't unusual for Ms. Wolfgang to be part of individuals, including yourself, who would eat over at the officer's cafeteria. Is that accurate, that from time to time, Ms.

Page 173

Wolfgang would --- you would eat lunch with her along with other members of the staff?
A. That's correct.
Q. And during the course of times that you ate, and I limiting it to that, and then I'll broaden it, did Ms. Wolfgang, I'm not asking at this point for any names of inmates, but did Ms. Wolfgang ever relate to you, between 1992 and the end of 1994, that she was receiving reports from inmates that they were being sexually harassed, abused, et cetera, et cetera, by personnel here? Do you understand my question?
A. Over at the lunch hall --- I don't recall that conversation.
Q. Do you recall in any other context Ms. Wolfgang telling you that she had been receiving reports from inmates that some of the personnel were involved in the sexual abuse of inmates, I'm using the definition of abuse to include harassment, et cetera, as I defined earlier. Did she tell you that ever, in any context?
A. With Eicher.
Q. That would have been with Eicher and Lambert?
A. That's correct.

Q. **Prior to that, is it your testimony that Ms. Wolfgang never related to you that inmates were telling her that they were being harassed in a sexual way by members of the staff, is that your testimony?**
A. I don't --- I don't recall her, in fact, to the contrary, when she first started with the department, I had learned later on that she had received information on a case, and I don't remember the specific details of it. And I was infuriated that she did not pass this information along to us. I very firmly told her that within the confines of this institution, that the client/therapist relationship does not exist ---
Q. **Uh-huh (yes).**
A. --- when it comes to the safety and security of this institution.
Q. **You told her than early on?**
A. Yes, sir. She was very dismayed at me. She was hired from the street. As I said, and I don't remember the exact investigation, but it came to my attention early on in her career here, that she had information through therapy sessions or counseling session with people on

her caseload, that she had some knowledge, I don't remember the exact details of it. I was extremely upset, I gave her holy hell and told her under no uncertain circumstances that anything related to the safety and security of this institution is not governed by therapist/client relationship. And that includes abusive inmates, escape attempts, or somebody telling her that they were going to harm themself or somebody else. Absolutely.
Q. **When did she begin, what year?**
A. I don't recall. She was --- very early on. I don't recall exactly.
Q. **Okay. But she was toward maybe 1993 or 1992?**
A. Yeah, she goes --- she was our original psychologist. And I told her she was --- by the code of conduct that she was ethically required ---
Q. **To report.**
A. --- to report.
Q. **Did you review --- do you maintain a separate file for your letters and memoranda where you're communicating, say to the Department of Corrections or communicating to**

Deputy Kormanic or others on your staff? Do you maintain a correspondence file?
A. On staff, I don't understand.
Q. **Do you maintain any sort of a correspondence file that's separate from other files, that if you wanted to go back and see if you could find a letter that you had written to the Commissioner, you could go to the file.**
A. I have a file for our central office people, yeah, and my boss.
Q. **And I take it that most of your communication, if you're just corresponding at the prison level, is that usually then just orally?**
A. It may be both, may be both.
Q. **Okay. Do you have a separate file for written communications within the institution?**
A. No. It would be broken down by case.
Q. **So you have a central office file that contains, as far as you can tell, nearly everything that you write --- send to the central office in the form of a written communication?**
A. No, I have many files.
Q. **Do you have a Commissioner's file?**

A. I have a Deputy Commissioner's file.
Q. **Fulcomer?**
A. Yes, sir.
Q. **Do you have a file, do you maintain a separate file for communications with the investigators in Harrisburg, the OSI?**
A. I don't have any file. I have --- they're broken down by case.
Q. **Did you review the Deputy Commissioner's file and the OSI files in search of correspondence related to allegations of sexual abuse by inmates of Cambridge Springs against officers?**
A. A file?
Q. **Well, we've talked about a number of them. One would be the Deputy Commissioner's file. Did you review that to see whether there was any correspondence between and the Deputy Commissioner concerning allegations of sexual abuse by Cambridge Springs inmates against Cambridge Springs personnel?**
A. As I had previously stated, that correspondence would have been broken down by case. It would be in a case file.
Q. **I'm sorry. I thought you had said that**

Page 178

the Deputy Commissioner had a separate file.
A. For general correspondence. I also have some for business. There's a file for you don't know where the hell else to file it. I have requests that go in for budget. Those are in budget files.
Q. Where would sexual abuse, the subject of sexual abuse, in what file would you expect --- how would you find your correspondence to the Deputy Commissioner? According to each case; is that right?
A. That's correct, sir.
Q. And would the case be listed by the officer or by the inmate or by both?
A. Probably all of the above. It'd be in one or the other.
Q. Did you conduct a search of the files related to sexual abuse in pursuit of correspondence between you and Deputy Commissioner Fulcomer?
A. Related to this lawsuit ---?
Q. Related to allegations of sexual abuse, not just by Lisa Lambert, but by ---?
A. No, not every case, no, sir.
Q. I'd like you to do that. I'm looking

Page 179

for the ---.
ATTORNEY HALLORAN:
I don't think there is a --- is it accurate to say that you have files maintained, investigative files, maintained in one area that are all sexual abuse files?
A. No.
BY ATTORNEY KRAKOFF:
Q. I'm not saying that they're all in one area, but sexual abuse files are found somewhere among your files?
A. With the investigative files.
Q. Right, exactly. Was that done by year?
A. No.
Q. Or how is that done? Is it broken down according to subject matter?
A. The ones I maintain, which are not all inclusive, are maintained by subjects and the investigation.
Q. So what I'd like you to do would be to get the full universe of correspondence between you and the central office related to allegations of sexual abuse by persons other than Lisa Lambert. I'm not limiting it to Lisa

Page 180

Lambert.
A. Okay.
Q. Thank you. And the same with respect to correspondence with the OSI people, not limited to Lisa Lambert, which I assume that --- is that largely what you were looking for, Lisa Lambert, correspondence with OSI relating to Lisa Lambert?
A. Just this particular case, yes, sir.
ATTORNEY HALLORAN:
We produced in discovery a lot broader base than that, from central office.
ATTORNEY KRAKOFF:
Yeah, we might have gotten some of it from central office.
ATTORNEY HALLORAN:
You got it from me. The source was central office.
ATTORNEY KRAKOFF:
What I'm trying to do now is just make certain that things that might have been overlooked inadvertently are just looked for so that I'll have an opportunity to review

Page 181

it.
BY ATTORNEY KRAKOFF:
Q. Do you know whether an effort was made to look through Officer --- Captain Lazenby's files to determine whether he had correspondence or other documents associated with abuse, allegations of abuse by inmates, of sexual abuse?
A. I don't know that.
Q. I'd like to make a request that that be done and also, there's probably more of a likelihood that Captain Bartlett's files were reviewed, but I'd also like to make sure that that was done. My understanding, based upon the response to the Request for Documents, is that the District Attorney's Office would not give the prison copies of the materials that they had collected or generated in connection with the criminal prosecutions?
ATTORNEY HALLORAN:
What are you referring to?
ATTORNEY KRAKOFF:
Well, four, for example, eight, which concerned other than Eicher.

ATTORNEY HALLORAN:
I'm sorry.
ATTORNEY KRAKOFF:
Yeah, other than Eicher is eight.
BY ATTORNEY KRAKOFF:
Q. Do you know whether any documents that were generated by the District Attorney's Office, which would include, I'll give you examples, transcripts of proceedings, criminal complaint that was filed against the employee or former employee, notes of interviews of witnesses, documents, you know, that were going to be used as, that had been developed as exhibits for the criminal case. Do you know whether any of that material was turned over to the prison or to the central office?
A. I don't know. I didn't do it.
Q. You've not seen any of --- I'm talking about, coming back, not your preparing it and sending it to the D.A., but the other way around. Like, once a prosecution would begin, did the District Attorney's Office send anything your way, to your knowledge?
A. I'm not aware of either way. I didn't

personally do either of that, no sir.
Q. Now, in the ninth request, the Plaintiff requested all policy statements, rules, regulations, procedures and directives promulgated by the Department of Corrections for Cambridge Springs officials to protect female prisoners from sexual abuse, exploitation or harassment at the hands of prison personnel. And I did receive a copy of the --- do you have that there, so that I don't mistake it. This would be nine, were turned over, and I'll show this to you in a minute, were policy number 1.2.4-1, concerning inmate abuse allegations, monitoring process and then a memo from Nancy Sicotos (phonetic) to you, Superintendent Wolfe, dated August 2nd, 1995, which has an attachment of inmate abuse allegation monitoring process, a document dated June 1st, 1995, which I think is the same as what's attached to the previous document.
ATTORNEY HALLORAN:
Did you indicate the date of issue on that?
ATTORNEY KRAKOFF:
June 1st. Is that June 1st?

ATTORNEY HALLORAN:
No.
ATTORNEY KRAKOFF:
Oh, is that date ---
ATTORNEY HALLORAN:
Effective date was June 1st, '95. The policy issue date was October 2nd, 1995.
ATTORNEY KRAKOFF:
Okay, that would be an amendment to the ---?
ATTORNEY HALLORAN:
It appears, I'm not sure.
BY ATTORNEY KRAKOFF:
Q. Inmate abuse allegation monitoring process bulletin. Date of issue is December 7, 1995, effective date is December 7, 1995. And then ---?
ATTORNEY HALLORAN:
I'm sorry, what did you say was the date of issue?
ATTORNEY KRAKOFF:
You can read it.
ATTORNEY HALLORAN:
It was October 2nd, 1992.

BY ATTORNEY KRAKOFF:
Q. And then a memo from Vaughn Davis to Superintendents. The subject is clarification of policy 1.2.4., and attached to it is inmate abuse allegation monitoring process policy statement, date of issue 10/2/92, effective date 11/2/92. And the final document was code of ethics and apparently this is dated, the particular one that I received, is June 1st, 1995. You're not aware of any --- I take it you're not aware of any policy statements, rules, regulations, procedures or directives, promulgated by the Department of Corrections, or by Cambridge Springs officials, to protect female prisoners from sexual abuse, exploitation or harassment at the hands of prison personnel; is that correct, beyond those that were provided to me, you're not aware of any other?
A. You mentioned the code of conduct?
Q. That was in there.
A. Also, there are training materials that I'm aware of in the manner in which we train our staff. I'm aware of that.
Q. Well, then, I would like to receive the training materials so that I will have a

complete set of whatever documents that have been promulgated to protect female prisoners from sexual abuse, et cetera. And apart from the training materials, are you aware of any other documents that would fall within this category?
A. I can't recall of any other at the time, there may well be. There's over 17,000 pages of department policy.
ATTORNEY HALLORAN:
There may be some additional information on either sexual harassment ---
A. Yeah, there maybe. I just can't recall.
ATTORNEY HALLORAN:
--- that you should receive on that area.
ATTORNEY KRAKOFF:
And those will be produced soon? Okay. Mr. Halloran is shaking his yes, in the affirmative.
BY ATTORNEY KRAKOFF:
Q. Now, if you can look at the monitoring policy?

ATTORNEY HALLORAN:
Which one, in particular?
ATTORNEY KRAKOFF:
The one date of issue, 10/2/92, effective date ---
ATTORNEY HALLORAN:
What was the effective date?
ATTORNEY KRAKOFF:
--- 11/2/92. It's a fairly thick document.
BY ATTORNEY KRAKOFF:
Q. Now, this would outline the procedure for monitoring inmate abuse, not only sexual abuse, but all categories of abuse; is that correct?
A. Yes, sir.
Q. On the second page it defines abuse, and it defines abuse as an employee conduct that is prohibited either by law or by the Department of Corrections policy and involves the use of excessive force upon the inmate, or the occurrence or an unwarranted, life-threatening act against the inmate, or the articulated oral or written threat to inflict physical injury directed specifically toward the inmate. Now,

excluded from the definition of abuse are, and then you'll see F, harassment. Do you see that?
A. Yes, sir.
Q. Can you tell me whether a kiss from an employee on the lips of an inmate would be covered by this abuse allegation monitoring process and where it falls, under which definition of abuse?
A. I'm not sure.
Q. Now, can you tell me, if an officer comes up to an inmate and says, I want to fondle your breasts, or I want to, quote, screw you, or something or that sort, can you tell me whether that is covered by this policy, and if so, where it falls within the policy?
A. It would --- your case, again, is, what you say ---.
Q. There's no physical touching, it's just an officer or a maintenance person walking up to an inmate and saying, I'd really like to fondle your breasts, or I'd like to grab your vagina, or something like that, where would that fall?
A. That would be serious.
Q. But which definition --- isn't that harassment?

A. It would fall in the --- that --- that, that's very serious misconduct on my part. I'm trying to think, you know, how ---.
Q. Where would it fall?
A. That would be a threatening act.
Q. To inflict physical injury?
A. Yeah.
Q. And if he says, I'd like to suck your tits, excuse my language, but I'm using ---
A. I understand.
Q. --- maybe something somebody would say. That would also be a threat to inflict physical injury?
A. Yes.
Q. And what about, you have the biggest breasts I've ever seen. Is that a threat to inflict physical injury or that harassment?
A. In my estimation, that would be harassment.
Q. And harassment is excluded from this particular process, isn't it?
A. That's correct, but --- yeah, that's correct.
Q. Now, can I take it that you would view that a situation where --- well, I won't take

it, I will ask you, if an officer engages in say, oral sex, with an inmate or sexual intercourse, where would that fall under from the A through F series of definitions?

ATTORNEY HALLORAN:
You're under section, roman numeral four?

ATTORNEY KRAKOFF:
Four, definitions --- abuse.

A. Physical harm.

BY ATTORNEY KRAKOFF:

Q. Can you, in a nutshell, tell me what this document is designed to do? I know that it has some connection with the monitoring of allegations of abuse, but can you tell me how this is designed to work? You're familiar with this process, are you?

A. Yes.

Q. Okay. How is this designed to work?

A. Based on our investigation, if there's substance to it, we'll take the appropriate action. We certainly investigate all allegations of abuse.

Q. And under this SIO, it is required to maintain for two years, hard copies of

complaints alleging abuse; is that correct, on page seven? Is that your understanding?

A. Right.

Q. And then in a permanent electronic data base of the complaint and grievance information is supposed to be maintained by SIO as well; is that correct, on page seven?

A. Well, see this is --- hold on a second --- oh, this is SIO.

Q. Right, it's not local.

A. Right.

Q. So that if you wanted to find out something about a complaint going back to 1992 ---

A. Uh-huh (yes).

Q. --- at SIO, at least theoretically, according to the way this is set up, is it your understanding that they would be able to retrieve that from some sort of computer disc?

A. I really don't know.

Q. And under this, the procedure is that an inmate can either file directly with the central office or could submit some sort of grievance with the grievance coordinator at the institutional level; is that correct?

A. That's correct, yes, sir.

Q. It a grievance is filed here, is it your practice at Cambridge Springs, to forward a copy of the grievance to the central office, to SIO, whatever they're called today, but they were SIO at one time? If an inmate filed a grievance alleging some form of sexual abuse, was it your practice to send a copy of that on to the central office?

A. A grievance.

Q. I know the practice on page six seems to indicate that, in six, first paragraph of --- where it says, inmate grievances, Section C, that is, on page six. The first paragraph, when an inmate files a grievance alleging abuse, the institutional inmate grievance coordinator will forward a copy of the grievance responses and investigation, if applicable, to SIO. Do you see that?

A. That would be my administrative assistant, I believe. I believe he does, yes.

Q. So another way of looking for grievances might be to see whether --- another way of cross-checking it would be to see whether SIO might have a copy of the grievance, if they,

in fact, were sending them up to SIO. Now, there's also a document which I received, it's not part of the response to request nine.

ATTORNEY HALLORAN:
Did I get these copies back, all of these?

ATTORNEY KRAKOFF:
I hope so. I think I gave them all back to you.

BY ATTORNEY KRAKOFF:

Q. Item twelve of the Request for Production of Documents asks for all documents associated with the investigation of Cambridge Springs personnel for possible sexual abuse, harassment or exploitation, whether the particular investigation was conducted by OSI, Cambridge Springs, or another entity. And, once, again, I think I already asked for this, I'm asking you to go through and collect the universe of documents, and I did receive some of them, Hammers and Merry and there might have been one other. But I didn't receive anything on Walton. I didn't receive anything on Zimmerman, if anything was done. I didn't receive anything with, on --- I received the

Page 194

information today, in the deposition, but I didn't receive any investigative materials or any documents associated with that, or actually most of the 12 or so transactions.

And I guess 13 would come under 12. I haven't received any disciplinary documents that might be testified about, the firing of the head of maintenance, Mr. Zimmerman. I didn't receive anything associated with that. I guess just the ultimate disciplinary measures, the termination.

A. If they're in the department, right.

Q. In 14 I asked for all correspondence, memoranda and other such documents issued or received by the Pennsylvania Commissioner of Corrections, the Deputy Commissioner, Superintendent Wolfe, Deputy Superintendent Utz (phonetic), Deputy Superintendent Kormanic, prison's Captain of security and other DOC or prison level officials relating to issues of possible or actual sexual abuse, harassment or exploitation of Cambridge Springs inmates by Cambridge Springs personnel, including, but not limited to, the abuse of the Plaintiff. I did receive the Metzger document. I didn't receive any, and I don't know that there is any written

Page 195

communication. But for example, if there is written communication at all, between you and Ron Davis, for example, or anybody else up in the central office, you know, how are things going down in Cambridge Springs, or, you know, those kinds of things. If there's any correspondence along those lines, those are covered by this.

Now, 15 refers to all policy statements, administrative directives, rules, regulations and procedures promulgated by the DOC or Cambridge Springs officials relating to the monitoring or supervision of the male personnel in the interact of female prisoners in various settings. Now, you've talked about some training materials. This is really talking about policy statements, administrative directives, rules, regulations, procedures and training materials, I suppose, could fall under that, which would relate to how male personnel would be monitored when they interact with female prisoners in various settings, if at all. I mean, like you talked about somewhere along the line, that a single officer shouldn't be in some back channel area with a single inmate. I

Page 196

think you said that at one time. And what I'm interested in knowing, are there any written directives or statements, either at the Cambridge Spring level or the DOC level, that sets these things out? If they don't exist, they don't exist. I'm not asking somebody to create them. But if they exist, I think I'm entitled to receive them.

Okay, 16 requested all manuals, instructional materials and other documents used to train male personnel of the prison on the appropriate care, custody and control of female prisoners. I did receive, I believe, the code of ethics in conjunction with this. And I have something --- a memo from Michael Leidy, L-E-I-D-Y, dated the 25th of November, 1996, concerning a lesson plan outline for inappropriate relationships. Then I also received a course that was prepared by Ted Otto, concerning the legal aspects of corrections and in it he talks about some issues that are related to this case.

Then, also, use of force policy, was attached, justifications for the use of force and then that memo from Nancy Scotois, August

Page 197

2nd, 1995, and the inmate abuse allegation monitoring process, May 16, 1995 memo. There was a confidential bulletin, effective June 1st, 1995. An inmate abuse allegations monitoring process, December 7th was the date of issue, 1995. Effective date was December 7, 1995, some of these duplicated documents that were given in item nine. Has Michael Leidy been with the department for sometime as the curriculum development supervisor?

A. I don't recall how long. He's been around for a long time.

Q. Did the Department lend assistance to Cambridge Springs in terms of developing any of the training materials that you alluded to earlier, or were these developed on the local level, if you know?

A. I really don't know. A lot of it was done, but that may be universal.

Q. Now, what are the inmates told about their opportunity to report alleged sexual abuse? It might be more broader, just alleged abuse. But what are they told, if anything, about the channels for expressing complaints or allegations of abuse?

A. They're given an inmate handbook, an inmate supplement, which contains directions for reporting that.

Q. Is the inmate supplement something separate from an inmate handbook, or is that ---?

A. That's our local one describing the chain of command, who the inmate complaint officer is so that, they get here, they read the proper policy, who is this person ---.

ATTORNEY KRAKOFF:

Could I have a copy of those so that --- I'll have that, is that all right? He nodded yes, Mr. Halloran nodded yes.

ATTORNEY HALLORAN:

You just want the supplement?

ATTORNEY KRAKOFF:

And the --- just the relevant section of the inmate handbook, which I think talks about the process in general terms and the local --- the supplement puts names to people; is that right? You do it --- you submit it here or take it to this person or

that person?

A. The policy on inmate complaints is in the --- yeah, general handbook.

BY ATTORNEY KRAKOFF:

Q. Is there a orientation that is provided to new inmates that are coming to the prison at Cambridge Springs? Is there any sort of an orientation where they, you know, meet with a counselor or some other person who kind of provides them with the lay of the land?

A. Yes, there is.

Q. Is that orientation through a videotape, do you know, or is it done ---?

A. It's done live.

Q. Do you know whether there's a text to that orientation, whether there's kind of a ---?

A. There's an outline.

Q. Is there an outline?

A. Uh-huh (yes).

Q. Do you know whether the --- who does the orientation?

A. Various people.

Q. Are they counselors?

A. Let me back up. There is a video as well to that, a video to that.

Q. And do you know whether that video says anything to the inmates about sexual abuse?

A. Abuse in general.

Q. Abuse in general?

A. Yes, sir.

Q. And how they can go about reporting it?

A. Any complaints they have.

Q. I'd like a copy of that because I think it would be pertinent.

SHORT BREAK TAKEN

BY ATTORNEY KRAKOFF:

Q. Would you agree that there are policies and procedures that can be adopted by prison officials, either at the department level or at the prison level, to reduce the risk that officers will sexually abuse or exploit prisoners?

ATTORNEY HALLORAN:

Objection. It assumes that there aren't policies and procedures in place.

BY ATTORNEY KRAKOFF:

Q. No, I'm not making that assumption, but would you agree that policies and procedures can be adopted. I'm not suggesting they weren't.

Through policies and procedures the risk that officers will sexually abuse or exploit prisoners can be reduced?

A. I believe we have those in place.

Q. And would you agree that among the activities that can reduce the risk of sexual abuse or exploitation are training, do you agree?

A. Yes.

Q. Screening techniques at the time persons are hired to work at a prison?

A. That's correct.

Q. Investigatory procedures to investigate allegations or suspicions of sexual abuse?

A. Correct.

Q. Disciplining of ; sonnel who are found to have been involved in acts of sexual abuse?

A. Correct.

Q. Rules that prohibit sexual contact or fraternization of a personal nature between inmates and prison personnel?

A. Correct.

Q. The establishment of a procedure for inmates to express complaints or allegations of alleged sexual misconduct?

Page 202

A. Correct.
Q. And it's your contention that all of these components were in place at Cambridge Springs at the time Cambridge Springs began to receive prisoners; is that correct?
A. You very eloquently expressed our --- and succinctly expressed our policies and procedures, yes, sir.
Q. You identified the inmate handbook and the supplement as the ways that inmates are apprised of a way to report allegations of alleged sexual abuse. Is there also a policy which describes the system for receiving inmate complaints and processing those complaints and resolving those complaints? Is there a policy that describes that system?
A. The inmate grievance system is in place. It talks about verbal and written, verbal complaints, yes.
Q. And that's expressed in a policy statement?
A. In our grievance system, yes, sir.
Q. Do you know the --- and, believe me, I'm not doing this to quiz you, but do you know off hand what the number of the inmate complaint

Page 203

system is, the ADM number?
A. Which one?
Q. The one that picks this area --- is that ---?
A. No, you're asking me which, like which number?
Q. Yes.
A. I don't recall the number. I know it's the inmate grievance system. ADM.
Q. Right, and something.
A. Something or other, right.
ATTORNEY KRAKOFF:
Could I have a copy of that, Mr. Halloran?
ATTORNEY HALLORAN:
Yes.
ATTORNEY KRAKOFF:
Thank you.
BY ATTORNEY KRAKOFF:
Q. And the inmate handbook and the supplement that you talked about, were those into place at the time that Cambridge Springs began to receive women, at or about that time?
A. Yes, sir, it was. Yes, it was.
Q. And I know that you identified the code

Page 204

of conduct --- provision in the code of conduct that requires prison personnel to report incidents of misconduct by other personnel; is that correct?
A. That's correct, sir.
Q. Are you aware of any other written policy or written procedure which expresses the obligation of prison personnel to report incidents of misconduct on the part of other prison personnel?
A. Well, off the top of my head, I'm not, but the one you cited is, that's our bible.
Q. Is that the abuse monitoring procedure?
A. Correct.
Q. Prior to Mr. Davis' coming to Cambridge Springs in September of 1994, to discuss the issue of the sexual abuse of inmates, do you recall whether there was any training of the staff in connection with that subject, at the Cambridge Spring level, at the prison level?
A. Yes, sir. They're trained extensively on it.
Q. And that would be reflected in the written training materials that you have alluded to?

Page 205

A. Yes, sir.
ATTORNEY HALLORAN:
Maybe the videos, also.
A. But he said prior to. The video was Mr. Davis.
BY ATTORNEY KRAKOFF:
Q. Was Mr. Davis' the first video that was used at Cambridge Springs?
ATTORNEY HALLORAN:
No.
BY ATTORNEY KRAKOFF:
Q. Is the answer --- why don't you ---.
A. No, wait, wait, wait. Now I'm mixed up.
Q. Can you supplement your response?
A. Yes. I'm not sure of the dates but there are some other videos that we require.
Q. And those were videos that were used here at Cambridge Springs; is that correct?
A. They were ordered by our staff, yes.
Q. And the date of which they were developed for Cambridge Springs, would that be reflected in the videos or ---?
A. There are stock videos that were not prepared --- they're not homemade movies.

Q. In order, I'm sorry. Do you have something to add?
A. Yes. I believe they were used in '93, but I'm not certain of the date.
Q. Are you certain it in was in '93, or are you saying you're not certain in was in '93?
A. I'm not certain it was '93. That's why I answered in the manner I did.
Q. It could have been in '94?
A. I'm not certain.
ATTORNEY HALLORAN:
He's not certain. We'll try to confirm that for you, I'm sure we can do that.
BY ATTORNEY KRAKOFF:
Q. When there is training that is provided at Cambridge Springs, will there be some sort of a document which reflects the nature or the general substance of the training so that if I wanted to confirm what was imparted to the trainees, I could refer to some document?
A. There should be training records.
ATTORNEY KRAKOFF:
Obviously, those would fall within the framework of the requests as

well, and those will be provided?
ATTORNEY HALLORAN:
Yes.
BY ATTORNEY KRAKOFF:
Q. The training materials that you're referring to that dealt with sexual abuse issues, were those training materials that were used for new recruits? Were those materials that were used as in-service training for persons who were already employed?
A. Both.
Q. Were the training materials used both for corrections officers as well as maintenance personnel?
A. Both.
Q. And also by food service personnel?
A. All of the above.
Q. And have you reviewed any of the video training materials before today? I'm not saying that you reviewed them today. Have you reviewed any of the training videos that dealt with sexual abuse issues?
A. Not in their entirety.
Q. But you have reviewed some of them?
A. Deputy Kormanic ordered some and I was

made aware of that.
Q. You were made aware of that today or before today?
A. I was refreshed today. I remember it now. There's several others, too, beyond this. There are a lot of professional training tapes out there for corrections officers that we've ordered and that had slipped my mind.
Q. Were these tapes materials that the officers could view if they wanted to, i.e., the viewing was optional, or were these tapes required viewing?
A. They're required viewing.
Q. Now, if the tapes were used prior to Mr. Davis' appearance in September of 1994, did you believe that it was nevertheless important for Mr. Davis to come to Cambridge Springs and if so, why?
A. You can never have enough training. As I said, at this particular moment in time, I can't recall exactly when the tapes were purchased and implemented.
Q. So it is possible that the tapes were ordered after Mr. Davis' first appearance?
A. We have them but I don't know when they

were ordered.
Q. Now, I received some --- early in your deposition, I had asked you some --- whether it would be possible for you to obtain population counts going back in time, and you were kind enough to gather that information for me. And I just wanted to make sure that I understand what I have been provided with. The first document is a handwritten document and it says daily count for September 25th, 1992, in-house, 147. I know there's something in parentheses but that's not so important. And then it also lists there were no men on furlough and one was ATA. What was ATA?
A. Authorized temporary absence.
Q. And so the total count was 148 in September of 1992. That would have been the total inmate count; is that correct, roughly?
A. I don't know where you got those. I --- my staff provided that to me during the break. I really don't ---.
Q. You don't have first-hand knowledge about how this was gathered. Perhaps we can just have ---?
A. I don't know where the info --- how the

information and why it was given to you, handwritten in that manner. I really don't know. I know the staff has been working on it. But I didn't even know you were given it.

Q. **I'm willing to accept the accuracy and authenticity of those statistics. Perhaps we can just read what the counts were.**

ATTORNEY HALLORAN:

If we can just clarify it. I believe that the count would be reflected at this number? This would just be --- the in-house populations would ---.

ATTORNEY KRAKOFF:

That's what I'm interested in.

ATTORNEY HALLORAN:

All right. So we're going to look at the in-house population and see whether they appear as though they were probably accurate. And we have 147 on September 25th, 1992, 150 for December 31st, 1992. Would that appear to be accurate to you?

A. It would appear to be.

ATTORNEY HALLORAN:

And 177 for March 3rd, 1993?

A. Okay.

ATTORNEY HALLORAN:

Would that appear to be accurate?

A. Appears to be.

ATTORNEY HALLORAN:

And 208 for September 30th, 1992?

A. Okay.

ATTORNEY HALLORAN:

That appears to be accurate?

A. Uh-huh (yes).

ATTORNEY HALLORAN:

Yes?

A. Yes.

ATTORNEY HALLORAN:

And 211 for December 31st, 1992?

A. In-house. That's our total committed population, would be 219.

ATTORNEY HALLORAN:

Right. But the actual physical prison population would be 211?

A. Yes.

ATTORNEY HALLORAN:

And that's the number we've looking at previously.

A. Uh-huh (yes).

ATTORNEY HALLORAN:

Then 217, general population present on March 30th, 1994?

A. Yes.

ATTORNEY HALLORAN:

And that includes --- that does not include two on the RHU, which would make it 219 on March 31st, 1994.

A. Uh-huh (yes).

ATTORNEY HALLORAN:

Yes?

A. Yes.

ATTORNEY HALLORAN:

And on June 30th, 1994, general population 309, two in the RHU, total of 311 at the institution, physically present?

A. Yes.

ATTORNEY HALLORAN:

And September 30th, 1994,

general population 321, physically present in the institution?

A. Yes.

ATTORNEY HALLORAN:

And December 31st, 1994, 391 general population, four RHU, total 395, physically present in the institution?

A. Yes.

ATTORNEY KRAKOFF:

Thank you.

BY ATTORNEY KRAKOFF:

Q. **Now, the final area that I want to question you about is about the issue of the photographing and videotaping of Lisa Lambert, when she was returned to the restricted housing unit. Now, is there a policy that you're aware of, either at the DOC level or at the prison level, which authorizes either the photographing or the videotaping of inmates when they are brought to the prison from places outside the institution?**

A. Yes, sir, there is.

Q. **And can you identify what that policy is? Is it a DOC level policy or is it something**

that was adopted at Cambridge Springs?
A. It's a DOC policy that was the result of a ACLU lawsuit.
Q. And the lawsuit was Austin? Was it the class action, state-wide?
A. I can't --- there's been a number of --- and I'm sorry, I don't recall right now, I should. The day's wearing on.
Q. No, I know that.
A. It was a result, as a result of an ACLU lawsuit. I don't remember exactly which one. The department, as part of the settlement, is my understanding they required all admissions to the RHU to be videotaped.
Q. Perhaps, with the assistance of Mr. Halloran, and I'll give you an opportunity to consult, we can locate that policy. Do you want me to leave for a few minutes so you can talk.
ATTORNEY HALLORAN:
Yes.
SHORT BREAK TAKEN
BY ATTORNEY KRAKOFF:
Q. Perhaps with the assistance of Mr. Halloran, you can locate the policy, if you have

it here today.
ATTORNEY HALLORAN:
There's DOC 203, is the policy on the strip search, and we don't have the number of the policy on the videotaping and we're not sure what the effective date of that was.
A. That's what I was advised. I'm not sure what policy came out relative to ---.
BY ATTORNEY KRAKOFF:
Q. Whether it was before or after ---
A. That's correct, I'm not sure.
Q. --- Lambert?
A. Right. I may be ---.
MS. KORMANIC:
I think it was part of when we first went through everything, we had sent a copy to upgrade to the attorneys.
ATTORNEY KRAKOFF:
Oh, I'm sorry. I think I do have 203.
MS. KORMANIC:
And I believe we made you a copy of ATA also.

OFF RECORD DISCUSSION
ATTORNEY KRAKOFF:
I have a file on when the incident took place on November 22nd, 1994. There's a dispensary card notation that indicates that it occurred at 1500, which would be three o'clock, civilian time. It says, brought back, I'm reading from the notes, was brought back from ATA to medical, accompanied by Lieutenant Beck, Sergeant Chase, COTs E. Jones and COT Howard, later joined by Deputy Kormanic. It goes on from there?
BY ATTORNEY KRAKOFF:
Q. What does ATA mean?
A. Authorized temporary absence.
Q. And when it says brought back from ATA to medical, does that mean, according to your understanding, that she was brought back to the medical area, somewhere?
A. Our medical department is located in the same floor and the same building as our receiving unit.
Q. Now, is that number 203, is that the

strip search policy?
A. That's searches of inmates.
Q. And that is dated, what is the date of that policy, in terms of it's implementation date? Does it have a date?
A. May 1st, 1984.
Q. And as far as you can recall, that policy was in effect on the 22nd of November, 1994?
A. Yes, it was.
Q. Is there anything in that policy that authorizes the photographing or videotaping of an inmate.
A. Nothing I see, specifically.
Q. And do you have a copy of the policy that was developed in conjunction with the Austin case that you contend authorizes the videotaping, or maybe even obligates the ---
A. Obligates.
Q. --- prison, okay, to photograph and/or videotape an inmate, do you have a copy of that?
A. We do.
Q. Do you have that with you?
A. No, I don't.
Q. But it's on the grounds somewhere?

A. Yes. I don't remember.

ATTORNEY KRAKOFF:

Okay, what we can do to save time, we can --- if Deputy Kormanic can bring it tomorrow, I'll just ask --- I'll review the policy with you, the Austin generated policy related to ---

MS. KORMANIC:

Videotaping.

ATTORNEY KRAKOFF:

--- videotaping and photographing.

ATTORNEY HALLORAN:

We also want to provide you with the DOC reception policy tomorrow.

BY ATTORNEY KRAKOFF:

Q. Now, there's a letter that was dated December 1st, 1994, it's addressed to Joseph Lehman and to William Wolfe, and it regards Lisa Michelle Lambert. I'll show you a copy of this, and it is signed by Julie Epstein. It's on the letterhead of Carrie Swesdopski (phonetic) Calman and Epstein. Are you familiar with this?

A. Yeah, I've seen this before.

Q. I'll give it back to you in a minute so

you can review it, but I wanted to ask you. There's a notation on top of this, it says Tom F., pls look into these allegations and discuss with me, and then there's a, it appears to be a J and perhaps it's a J with something else. Do you recognize the handwriting?

A. Yes.

Q. And whose handwriting is that?

A. It appears to be Commissioner Lehman.

Q. And do you know whether, do you recall whether you had any discussions, and Tom F. --- is that how Commission Lehman would refer to Tom Fulcomer?

A. That's correct.

Q. Now, do you have any recollection of having discussed the allegations that are contained in Mr. Epstein's letter with Mr. Fulcomer?

A. Oh, yes.

Q. And what was the sum and substance of the discussion?

A. Essentially, it was to review what happened and our rationale for it.

Q. All right. I know you weren't there when the videotaping and the photographs were

taken; correct?

A. That's correct.

Q. So how did you attempt to determine what had happened?

A. I believe it was Deputy Kormanic came to me and based upon allegations that Ms. Lambert had made against the institution and our staff, she suggested it would be prudent that we draw a base line and have a documentation for her protection, as well as ours.

Q. Whose protection?

A. Lisa's.

Q. And what did you tell, if you remember, what did you tell Fulcomer, in substance, when you were reviewing with him what occurred? What did you tell him had occurred? And I'm talking specifically about the incident on the 22nd of November.

A. I sent, I believe, and I don't have access to my files. There's been so much correspondence on this case. I believe I discussed it over the phone with Deputy Commissioner Fulcomer and he asked me to send him a report. And I also responded to Mr. Epstein in writing. Well, perhaps. I had

responded to that. I'd have to check my records.

Q. Let me show you a copy of a letter dated December 7th, 1994, which apparently came from --- do you have a copy of that?

A. Yes.

Q. Came from your office. Is this the report that --- I'm somewhat confused.

A. That's why I --- it would be easier ---.

Q. I think, it seems to me that maybe you wrote this to Mr. Fulcomer and inadvertently, it said Dear Mr. Epstein.

A. That appears to be what happened on that. That's why I'm a little confused.

Q. Because you say, as per your request, the following is our response to Mr. Epstein's letter. I think --- it seems to me that you're talking to Mr. Fulcomer?

A. Yes, thank you.

Q. Now, is this the report that you're referring to, or was ---?

A. Yes, sir.

Q. I'm sorry.

A. Yes.

Q. There wasn't another report?
A. No.
Q. Beginning on the bottom of the first page, the last paragraph, you explained to Mr. Fulcomer that because Ms. Lambert had been on authorized leave outside the institution between the 15th and 22nd of November, that the search was appropriate?
A. That's correct, that's within policy.
Q. And then you wrote, in light of the ongoing investigation, our need to establish an evidential informational base line of her condition upon return to our custody, authorization for the use of video recorder and photographs were authorized. This action was also based upon the precautionary rationale. The institution would have no way of ascertaining what did or did not occur to her person during the time she was out of our jurisdiction.
Now, what was the ongoing investigation that you were referring to and the need --- first of all, what was the ongoing investigation that you were alluding to?
A. An investigation, I requested that Lisa

--- that Special Services investigate Lisa's claim to her counselor that she and inmate Jafka were sexually active with staff.
Q. Okay. And ---?
A. And the very next day after I wrote that letter, I became aware that Ms. Wolfgang reported Lisa's alleged physical abuse in the stairwell by Sergeant Raun. In a second letter, one that I wrote to Special Services asking for their assistance into the sexual misconduct claims by Lisa, that she was sexually active. And then the very next day, after that letter had been sent out, there was another one about claiming physical abuse.
Q. According to your records, when you said counselor, did you mean Ms. Wolfgang?
A. No. That was Ms. Carasa (phonetic), her counselor, her corrections counselor.
Q. And then on what day, according to your records, did she claim that, if you have that in front of you, that she had been physically abused in the stairwell?
A. That came to my attention on October the 13th, 1994.
Q. So then, I take it that you were having

her or that somebody in the administration wanted her to be photographed, and I'm using that to apply to both the video and/or a regular camera, as a means of what, showing that when she arrived in your institution, she didn't have any injuries?
A. That's correct.
Q. And do you know who authorized the use of a recorder, video recorder, and the taking of photographs of Lisa Lambert?
A. I did.
Q. So that if there were any bruises on her coming back to the institution, after being away for a week, this would be a way of showing that ---. This base line, you take her photograph and what is the baseline that you're establishing, that she doesn't have any injuries?
A. There were no injuries. It was, again, for her well-being as well as ours, everybody that was ---.
Q. And then if an injury appears the next day or the next week, that way you'll know that the injury occurred ---
A. Here.

Q. --- after her return here?
A. I didn't want to be blamed for somebody's else's ---
Q. Okay.
A. --- or a bruise obtained somewhere else. As well as the videotaping to the RHU, I didn't want any --- I didn't want any assertions that --- we took the picture to show bruises, two days later she has bruises. I wanted that videotaped ---
Q. For continuity?
A. --- continuity until she's placed back in her RHU, yes.
Q. Now, is the authorization for the photographing of an inmate required to come from either the Superintendent or his designee?
A. No.
Q. Isn't it supposed to be a routine? I understood it to be that this is what happens when somebody returns from outside the institution. But based upon what you've just testified to now, this really was something that was specifically ordered in Lisa's situation?
A. After our break and my memory was

refreshed, again, this may have pre-dated the Austin lawsuit. Prior, even prior to the Austin lawsuit, we had been trained and instructed that if we expect trouble to use the video camera. And perhaps if this happened after the Austin lawsuit required it to be done, routinely, not just on a judgment basis.

Q. **The Austin lawsuit?**

A. Yes, sir.

Q. **And under Austin, the inmate --- the Austin policy, does that prescribe that the inmate, if a female is to not have her bra and underpants removed during the photographing?**

A. The Austin lawsuit does not distinguish between male or females. It talks about a strip search.

Q. **A strip search, but in terms of any photographing?**

A. Photographing, meaning the use of a video camera that's to be done. There's no distinction in that regard with the Austin lawsuit that all --- the direction we got that all receptions are to be videotaped until they're placed in their cell and the cell door is secured. There's no distinction between

males and females.

Q. **So that's while they're --- they arrive at the prison, they get out of whatever vehicle they're brought in and the video tape begins rolling at that point, at the point that your officers take custody of the person?**

A. No. You're talking about somebody coming in, just newly coming into our, newly, but somebody being returned ATA. I'm talking about RHU receptions, which at that time, Lisa was in administrative custody in our RHU and that's the authority which I was acting under, that if we would expect the possibility of any unusual circumstance, we were instructed to use a video camera of that to make sure to protect all parties.

Q. **Right. And the video camera is supposed to roll from the time the person comes on the prison grounds?**

A. No, sir. From the time we take custody of them in our receiving unit. From there, when they're transported to our RHU, after we receive them, we bring them in. We don't go out and, you know, stand there, and receive them out of the car or van.

Q. **They're in the receiving unit. Where's the receiving unit at this prison?**

A. Alliance Hall.

Q. **And is that the same place that I came into this morning?**

A. No.

Q. **It's not the main administration building?**

A. They're brought in through the lobby, then they're taken over to our receiving area where they're strip searched. That's where the actual search takes place. The sheriffs come and drop them off, not drop them off in front of the institution. They park, they bring them in through the lobby, announce that they're delivering a prisoner back to our custody. At that time, we exchange the custody. They're taken over to the receiving office where there are facilities to do strip searches of people.

Q. **And is this limited to when they're brought in and they're replaced in the RHU, or is it broader that any new person brought it received at the ---?**

A. We didn't videotape her coming in with the sheriffs. After she was in our receiving

unit and there was a strip ---. At least that's my understanding. Again, I wasn't there. I haven't reviewed the tape. They wanted to use that, you know, when she was escorted ---.

Q. **From the receiving unit ---**

A. That's my understanding.

Q. **--- to the RHU?**

A. That's my understanding.

Q. **Are they in separate buildings?**

A. Yes.

Q. **And then from the point that she left the receiving unit to the point that she was placed in her cell, I'm not saying it ended there, but the videotape was on, correct, according to your understanding?**

A. I don't know. I don't know all the details.

Q. **But under policy, the cameras are to roll from the time the inmate is taken from the receiving unit to the RHU? Is that the policy, is that according to the policy?**

A. The policy back then was not as specific, if it predated the Austin lawsuit. And generally, when people are taken the RHU, it's more common, if there was a problem within

Page 230

the institution, and that's when they video taped them going to, as an admission to the RHU. It's kind of rare someone goes ATA out of the RHU, that's already been there.

Q. So, as I understand it, not as I understand it, but does the Austin policy provide for the photographing of an inmate in the RHU cell?

ATTORNEY HALLORAN:

Objection. It's irrelevant unless the policy was even in place at the time.

ATTORNEY KRAKOFF:

Are we sure about that now? Because I don't think he was sure.

ATTORNEY HALLORAN:

Are you sure?

A. I'm not sure. It appears in talking with my colleagues that I was --- I had my time line mixed up.

BY ATTORNEY KRAKOFF:

Q. Okay.

A. It may not have been in place.

Q. Do you recall any other situations prior to Lisa Lamberts, where you had, or Deputy

Page 231

Superintendent Kormanic, or other personnel had authorized the photographing of an inmate in the RHU?

A. Oh, sure.

Q. And that was while they were naked or while they had clothing on?

ATTORNEY HALLORAN:

I'm going to object. There's no evidence that either of those things occurred, that she was naked.

A. Like I say, I wasn't there, I didn't review the tapes, sir.

Q. And you asked Deputy Superintendent Kormanic whether any of the photographs depicted Lisa Lambert while she was completely naked, did you ask her that?

A. At which time?

Q. At any time did you ask her that?

A. I believe at the time of the first complaint from her attorney, I asked her some of the details of that.

Q. And what did Deputy Superintendent Kormanski tell you?

A. She said that she was photographed in her bra and panties.

Page 232

ATTORNEY KORMANSKI:

Thank you very much. That's all.

ATTORNEY HALLORAN:

We're not going to waive signature.

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DEPOSITION CONCLUDED AT 5:25 P.M.

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